

CRS Report for Congress

Received through the CRS Web

Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions

Updated March 30, 2004

Nina M. Serafino
Specialist in International Security Affairs
Foreign Affairs, Defense, and Trade Division

Report Documentation Page				Form Approved OMB No. 0704-0188	
Public reporting burden for the collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington VA 22202-4302. Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to a penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number.					
1. REPORT DATE 30 MAR 2004		2. REPORT TYPE N/A		3. DATES COVERED -	
4. TITLE AND SUBTITLE Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions				5a. CONTRACT NUMBER	
				5b. GRANT NUMBER	
				5c. PROGRAM ELEMENT NUMBER	
6. AUTHOR(S)				5d. PROJECT NUMBER	
				5e. TASK NUMBER	
				5f. WORK UNIT NUMBER	
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) Congressional Research Service The Library of Congress 101 Independence Ave SE Washington, DC 20540-7500				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES)				10. SPONSOR/MONITOR'S ACRONYM(S)	
				11. SPONSOR/MONITOR'S REPORT NUMBER(S)	
12. DISTRIBUTION/AVAILABILITY STATEMENT Approved for public release, distribution unlimited					
13. SUPPLEMENTARY NOTES					
14. ABSTRACT					
15. SUBJECT TERMS					
16. SECURITY CLASSIFICATION OF:			17. LIMITATION OF ABSTRACT SAR	18. NUMBER OF PAGES 58	19a. NAME OF RESPONSIBLE PERSON
a. REPORT unclassified	b. ABSTRACT unclassified	c. THIS PAGE unclassified			

Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions

Summary

One of the most crucial and difficult tasks in peacekeeping and related stability operations is creating a secure and stable environment, both for the foreign peacekeepers and for the indigenous population. During the past decade, the United States and the international community have tried various approaches to providing that security. Most of these approaches have included the use of United Nations International Civilian Police (UNCIVPOL), whose forces are contributed on a case by case basis by U.N. Member states. (While other countries usually contribute police personnel from their own national forces, the United States contracts those it contributes through a private corporation.) In a few cases, such as Afghanistan and Iraq at this time, coalition and U.S. military forces, and not the United Nations, train and work with indigenous police forces to provide security.

Despite continuing improvements over the past decade, the current system has several drawbacks. UNCIVPOL has been unable to provide an adequate number of well-trained policemen for individual operations and to deploy them rapidly. Their police forces experience a lack of consistency in the type and levels of training and a shortage of needed skills. Military forces, on the other hand, are usually not trained to deal effectively with police situations. These deficiencies lead to three gaps that impede the establishment of law and order, particularly those cases where not all parties to the conflict are dedicated to peace or where criminal networks have taken root. The first is the *deployment* gap, when international police are not available as quickly as needed. The second is the *enforcement* gap, where those deployed lack necessary skills, in particular combined military and policing “constabulary” skills, as well as investigative and intelligence-gathering skills to deal with organized crime. The third is the *institution* gap, where competent judicial and penal personnel are needed to provide follow-up services to police work.

Policymakers have long recognized these problems. In February 2000, the Clinton Administration sought to remedy them through Presidential Decision Directive (PDD) 71’s broad policy reforms and guidelines. Although it did not allocate or request the necessary resources for effective implementation, the Bush Administration is implementing some provisions. In August 2000, the U.N. Brahimi Panel report proposed several remedies to improve the U.N. civilian police system, as did another report by contributing nations. Some are being implemented.

Three pending bills would address policing and related capabilities for peacekeeping and stability operations. H.R. 1414 would establish a rapidly deployable U.N. civilian police corps. H.R. 2616 calls for NATO to establish a security component to be used in post-conflict reconstruction environments and a U.S. police reserve for use in international operations. S. 2127 provides for the United States to develop a corps of rapidly deployable personnel, of which rule of law personnel may be a part. Related options recommended by experts include improving training, increasing international constabulary capabilities, and developing a “stability force” to supplement police with judicial and prison personnel. This report may be updated if warranted.

Contents

Introduction	1
Acronyms	4
Background	5
Evolution of Roles and Functions	6
Problem Areas: System and Security Gaps	7
Current Systems and Reforms	9
United Nations Civilian Police System	10
Background	10
Perceived Problems, Proposed Reforms and Implementation	11
Recruitment	13
Training	17
Deployment	18
U.S. Civilian Police Program	19
Background	19
Perceived Problems, Proposed Reforms, and Implementation	21
Recruitment	22
Training	24
Deployment	24
European Reforms	25
European Union	25
Organization for Security and Cooperation in Europe (OSCE)	27
Options for Congress	28
Legislative Proposals: Creating New and Upgrading Existing Capabilities	28
H.R. 1414: Reform of U.N. Civilian Police System	28
H.R. 2616: Improving U.S. and NATO Capabilities	30
Relative Merits of Possible U.S. Reserve Models	31
Questions Regarding a NATO Constabulary Capability	32
Additional Considerations	32
S. 2127: Strengthening Civilian Rule of Law and Other Capabilities	33
Other Options to Strengthen Current Capabilities and Address System and Security Gaps	33
Improve the Training and Professionalization of CivPol Personnel	33
Increase International Capability for Constabulary Forces	34
Develop a “U.S. Force for Stability”	35
Appendix A: Policing in Selected U.N. Peacekeeping and Related Operations: 1989-2004	39
Appendix B: Historical Background	44
Early International and Cold War U.N. Police Operations	44
Post-Cold War Evolution of International Police Assistance	44
Predominance of Monitoring Mandates, Cambodia, et al.: 1989-Early 1992 and Recognition of Deployment and Institution Gaps	44

Police Reform and Training Components Added: 1992-1994,
and Recognition of Enforcement Gap 46
Enforcement and Institutional Gaps in Somalia and Haiti 49
Covering the “Enforcement Gap” in Bosnia: the creation of
Special Constabulary Units in Bosnia, 1995-1999 51
Mandates Granting Executive Authority: Kosovo and East Timor,
1999 53

The author wishes to express her appreciation for research and editorial assistance in preparing this report that was provided through the CRS Foreign Affairs, Defense, and Trade Division’s Research Associate program.

Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions

Introduction

After over a decade of intensive experience with multifaceted peacekeeping and peacebuilding operations,¹ many analysts have concluded that establishing a secure and stable environment is one essential element for achieving a sustainable peace. As continued instability in Iraq and Afghanistan impedes the restoration of normal lives for those countries' inhabitants, and as Haiti exhibits renewed instability, some Members of Congress are examining with renewed interest available tools to provide effective security. While military forces are considered indispensable for establishing initial security and often are also used to maintain law and order in peacekeeping and related "stability" or "stabilization" operations designed to normalize conditions in post-conflict and post-intervention environments, their use is often controversial.² Over the past decade, international civilian police (known as "CivPol") have become increasingly recognized as generally more suited than military forces for most law and order tasks, and their use has increased dramatically. The Senate Foreign Relations Committee, in its March 2004 Report 108-248 accompanying the FY2005 foreign relations authorization bill (S. 2144), stated that it recognizes "the importance of the United Nations peacekeeping operations, including its capability to deploy

¹ "'Peacekeeping' is a broad, generic, and often imprecise term to describe the many activities that the United Nations and other international organizations, and sometimes *ad hoc* coalitions of nations or individual nations, undertake to promote, maintain, enforce, or enhance the possibilities for peace. These activities range from providing election observers, recreating police or civil defense forces for the new governments of those countries, organizing and providing security for humanitarian relief efforts, and monitoring and enforcing cease-fires and other arrangements designed to separate parties recently in conflict. (CRS Issue Brief B94040, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*. p 2.) As used here, the term encompasses both "peace enforcement" operations, sent to enforce an international mandate to establish peace, and "peacebuilding" activities. Peacebuilding activities, usually undertaken in a post-conflict environment, are designed to strengthen peace and prevent the resumption or spread of conflict, including disarmament and demobilization of warring parties, repatriation of refugees, reform and strengthening of government institutions, election-monitoring, and promotion of political participation and human rights. "Stability" or "stabilization" operations are terms that have come to be used recently, as they encompass peace operations as well as post-intervention activities in Iraq and Afghanistan.

² For general information on the use of U.S. military personnel in peacekeeping operations, see CRS Issue Brief IB94040, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*.

civil police forces, in promoting stability in post-conflict situations.”³ Policymakers have recognized problems with their use and made efforts to deal with them.

Among the current issues for Congress are whether to provide for continued improvements to the existing system and whether to build new U.S. and international CivPol capabilities. CivPol advocates have advanced proposals to (1) facilitate the recruitment and rapid deployment of adequate numbers of qualified police and related law enforcement personnel to complex post-conflict missions, and (2) ensure that such missions include personnel with the appropriate training and skills to handle a range of law enforcement situations. These proposals encompass provisions that would stress continued implementation of U.S. and U.N. reform efforts, as well as provisions that would reform the existing system.

Most important among the reform efforts were two key documents that recommended mechanisms to improve existing CivPol systems and approaches for providing and using CivPol forces. One was the Clinton Administration’s February 2000 Presidential Decision Directive 71 (PDD-71), which specifically dealt with the law enforcement aspects of peacekeeping operations.⁴ While its provisions were left largely unimplemented by the Clinton Administration,⁵ the directive remains in effect under the Bush Administration, which has begun implementing some measures. The other was the United Nations’ August 2000 “Brahimi Panel” report,⁶ which dealt with problems of U.N. peacekeeping operations in general, but also contained four specific recommendations to address problems with the U.N. civilian police system, particularly in the areas of recruitment, training, and deployment of international civilian police personnel. The United Nations has begun implementing some of the

³ U.S. Congress. Senate. *Foreign Relations Authorization Act, Fiscal Year, 2005*, report to accompany S. 2144. March 18, 2004. 108th Cong., 2nd sess., S.Rept. 108-248 (Washington: GPO, 2003) p 15.

⁴ U.S. Text: *The Clinton Administration White Paper on Peace Operations*. February 24, 2000 [<http://www.fas.org/irp/offdocs/pdd/pdd-71-4.htm>], hereafter referred to as PDD-71 White Paper; and U.S. Text: *Summary of Presidential Decision Directive 71*, [<http://www.fas.org/irp/offdocs/pdd/pdd-71-1.htm>], hereafter referred to as Summary of PDD-71.

⁵ Many analysts asserted that implementation under the Clinton Administration was impeded by insufficient political will, including ineffective interagency cooperation and the lack of statutory authority and funding mechanism. See: William Lewis, Edward Marks, and Robert Perito. *Enhancing International Civilian Police in Peace Operations*, Special Report, United States Institute of Peace, April 22, 2002.

⁶ On March 7, 2000, U.N. Secretary-General Kofi Annan convened the Panel on United Nations Peace Operations under the chairmanship of Lakhdar Brahimi, commonly known as the Brahimi Panel, to review the United Nations system for peacekeeping operations and to make recommendations to enhance its capability and response capacity in conducting future peacekeeping operations. The report was published as letters from the Secretary-General to the General Assembly and the Security Council. United Nations, General Assembly and Security Council, “Comprehensive review of the whole question of peacekeeping operations in all their aspects,” identical letters dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council, Fifty-fifth session, A/55/305-S/2000/809, August 21, 2000. This document henceforth will be referred to as the Brahimi Panel report.

Brahimi Panel recommendations and other proposed reforms, while others remain under discussion.

Among the proposals recommended by advocates are: (1) the creation of a reserve CivPol force, as could be contemplated under H.R. 1414 for the U.N. and as proposed for the United States under H.R. 2616; (2) the diversification of international police forces as currently constituted, including the establishment of units of police with military skills (i.e., “constabulary forces”) to handle hostile situations such as crowd control (as is suggested for NATO under H.R. 2616; and (3) the creation of more robust civilian response mechanisms, as contemplated by S. 2127 and related proposals, including a proposal for a “stability package” of lawyers, judges, prosecutors, and penal experts, in addition to CivPols, to create viable law enforcement systems. An important consideration to many policymakers is whether recommendations for improving the CivPol mechanisms could reduce reliance on U.S. military forces in post-conflict operations or shorten the length of their deployments to such operations.

This report will provide a brief synopsis of the evolution of the uses of international police in peacekeeping operations, with a description of the problems encountered. (Appendix A provides a synopsis, in chart form, of many of these operations. Appendix B discusses in more detail the gradual expansion of policing in U.N. and U.S.-led operations during the 1990s.) This report will then discuss the current U.N., U.S., and European mechanisms for providing CivPols to international operations, recommendations for improving those systems, and the status of their implementation. It will then assess the various approaches that are recommended to resolve continuing problems and provide options for the U.S. Congress for continued improvements to the system. This report may be updated if warranted.

Acronyms

ASF	Auxiliary Security Force in Somalia
CivPol	International Civilian Police
CPD	U.N. Civilian Police Division
EU	European Union
HNP	Haitian National Police
ICITAP	U.S. Dept. of Justice's International Criminal Investigative Training Assistance Program
IFOR	NATO's Implementation Force in Bosnia-Herzegovina
INL	U.S. State Department Bureau of International Narcotics and Law Enforcement Affairs
IPM	International Police Monitoring Force, MFN police component
IPTF	International Police Task Force in Bosnia
KFOR	NATO's Kosovo Force
LE	Law Enforcement
MNF	Multilateral Force (in Haiti)
NATO	North Atlantic Treaty Organization
ONUMOZ	U.N. Operation in Mozambique
ONUSAL	U.N. Observer Mission in El Salvador
OSCE	Organization of Security and Cooperation in Europe
PDD-71	Presidential Decision Directive 71
REACT	OSCE Rapid Expert Assistance and Cooperation Teams
SAT	U.N. Selection Assistance Teams
SFOR	NATO's Stabilization Force in Bosnia-Herzegovina
UNAMIR	U.N. Assistance Mission in Rwanda
UNCIVPOL	U.N. International Civilian Police
UNCPC	Proposed U.N. Civilian Police Corps
UNDP	U.N. Development Program
UNDPKO	U.N. Department of Peacekeeping Operations
UNFICYP	U.N. Peacekeeping Force in Cyprus
UNITAF	United Task Force (U.S.-led <i>ad hoc</i> multilateral coalition in Somalia)
UNLB	U.N. Logistics Base in Brindisi, Italy
UNMIH	U.N. Mission in Haiti
UNMIBH	U.N. Mission in Bosnia and Herzegovina
UNMIK	U.N. Mission in Kosovo
UNPROFOR	U.N. Protection Force in the former Yugoslavia
UNSAS	U.N. System of Standby Arrangements
UNTAC	U.N. Transition Administration in Cambodia
UNTAG	U.N. Transition Assistance Group in Namibia
UNTAET	U.N. Transitional Administration in East Timor

Note: This is a list of acronyms used two or more times in the text. Acronyms used only once are not included.

Background

The international community has increasingly turned to CivPols to perform a variety of functions in international peace operations. Between 1994 and 2000, the number of international civilian police participating in U.N. operations (UNCIVPOLs) increased fourfold. Despite a drop from that peak, the number of currently deployed UNCIVPOLs is twice what it was nearly ten years ago.⁷ As of February 29, 2004, 4,655 international civilian police, including 476 Americans, were assisting with law enforcement tasks in the eight U.N. peacekeeping missions with UNCIVPOL components. In addition, several nations, including the United States, continue to provide bilateral assistance, especially training, to indigenous police forces in a variety of post-conflict situations. Some analysts urge the eventual deployment of sizable contingents of international civilian police to Afghanistan (where the United States, Germany, and the United Kingdom are now working to recreate an indigenous police force) to Iraq (where the United States and Jordan are doing the same), and to Haiti. As of February 29, 2004, five UNCIVPOL were deployed to Afghanistan.

All U.S. assistance for law enforcement entities abroad is carried out within the context of Section 660 of the Foreign Assistance Act of 1961, as amended (FAA), adopted in 1975. Except for specific exempted cases, Section 660 prohibits aid to train, advise, or provide financial support for police, prisons, or other law enforcement forces of any foreign government, or for programs of internal intelligence or surveillance on behalf of a foreign government. Among the exceptions to Section 660 is one that states that it does not apply to assistance in post-conflict situations.⁸ Such assistance is provided, and the details regarding it are worked out, on a case-by-case basis, as there is no specific statutory authority to regulate and fund such assistance.⁹

⁷ Some analysts also note that the relative proportions of U.N. military peacekeeping personnel and the numbers of UNCIVPOLs involved in U.N. operations have shifted. This is due not only to the increase in UNCIVPOLs, but also, in large part, to the assumption by NATO and *ad hoc* coalitions of the military aspects of peacekeeping operations. The number of U.N. military peacekeepers peaked in September 1994, when 75,947 troops and military observers were deployed in 16 U.N. operations, and 2,017 UNCIVPOLs were deployed to those operations. In November 2000, the number of UNCIVPOLs peaked at 7,800, while the number of U.N. troops and military observers had declined to 30,601 in 15 operations. The number remained above 7,000 for nearly two years, from July 31, 2000 through June 30, 2002. As of February 29, 2004, there were 4,655 UNCIVPOL in eight of the 15 U.N. peacekeeping operations, which had a total of 44,590 military troops and observers.

⁸ Specifically, Section 660(b)(6) exempts assistance provided “to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure for the purposes of supporting a nation emerging from instability, and the provision of professional public safety training, to include training in internationally recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy.”

⁹ Some analysts argue that despite the exception for post-conflict situations, the existence (continued...)

Evolution of Roles and Functions

International civilian police forces have been used for a variety of purposes and in many situations since at least the late 19th century. [See Appendices A and B.] Since then, police forces with recruits from one to many nations have been used to monitor and supervise local forces, conduct joint patrols with them, train and advise them, and assist with their restructuring and reformation, including identifying and expelling undesirable members. (The acronym SMART has been used to summarize these functions, i.e.: **S**upport for human rights, **M**onitoring, **A**dvising, **R**eporting, and **T**raining.)¹⁰ Sometimes — particularly recently — the international forces have been armed and granted arrest powers (referred to jointly as “executive authority”); usually, they are not.¹¹

During the past decade, policing in peacekeeping and related operations has evolved through what might be described as five approximate phases of increasing scope and complexity, aimed at establishing security. These phases have been roughly, but not entirely, sequential and have tended to build on previous experiences. (As analysts have noted, however, operations need not necessarily be modeled after the latest operations.) The first two phases of this evolution involved the expansion of U.N. activities and/or mandates from (1) *monitoring mandates*,

⁹ (...continued)

of a general prohibition on police assistance, and the lack of a specific funding authority, discourages its provision and impedes its delivery. (There are various more general authorities under which assistance to foreign police forces can be provided.) One recent policy analysis of post-conflict needs argues that Congress should replace Section 660 “with new legislation outlining available authorities....The replacement act should maintain appropriate conditions on funding to protect human rights objectives and ensure accountability, while rationalizing and consolidating the numerous amendments and simplifying the mechanisms for applying resources to legitimate requirements.” *Play to Win: Final Report of the bi-partisan Commission on Post-Conflict Reconstruction*, by the Center for Strategic and International Studies (CSIS) and the Association of the U.S. Army (AUSA). January 2003.

¹⁰ Annika S. Hansen. *From Congo to Kosovo: Civilian Police in Peace Operations*. Adelphi Paper 343. Oxford, UK: The International Institute for Strategic Studies, 2002. p 22. (Hereafter referred to as *From Congo to Kosovo*.) Another source has a lengthier read-out for the SMART acronym: “**S**upporting human rights, humanitarian assistance; **M**onitoring the performance of the local LEA [Law Enforcement Authorities], prisons, courts and implementing agreements; **A**dvising the local police on humane effective law enforcement, according to the international standards, laid down in the instruments (conventions, covenants, and treaties on human rights); **R**eporting on situations and incidents; **T**raining the local law enforcement, in the best practice for Policing and human rights.” Halvor Hartz, “Civpol: The UN Instrument for Police Reform,” in *International Peacekeeping*, Vol. 6, No. 4, Winter 1999, p 31. Hartz cites “A Trainers Guide on Human Rights for CIVPOL Monitors,” a booklet published in 1995 by the Centre for Human Rights and the U.N. Department of Peacekeeping Training Unit as his source.

¹¹ “Monitoring” functions, as described by one analyst in the context of monitoring operations in Namibia, consist of three tasks: “accompanying local police in performing their duties; receiving and investigating public complaints about the police; and supervising investigations conducted by local police.” *From Congo to Kosovo, op. cit.*, p 17.

which have been a constant of virtually all operations, through (2) the addition of *training components*, beginning in a small, ad hoc manner in Cambodia, intensified in El Salvador as part of the police reform effort, and made an important part of U.S.-led and subsequent U.N. peacekeeping efforts in Somalia and Haiti, and (3) the development of *mandates that include substantial reform and restructuring* of existing police institutions or the creation of new institutions, as in Somalia and Haiti and later operations. Two subsequent phases were (4) the *addition of specially constituted constabulary units*, designed specifically to operate as such in hostile situations, beginning with Bosnia, and (5) in the operations in East Timor and Kosovo, the *expansion of mandates to provide* international police with “*executive authority*” to bear arms and make arrests.¹² (See Appendix A for a list of UNCIVPOL and other police operations since 1989, and information on their responsibilities and the number of police authorized and/or deployed on these missions, and Appendix B for a narrative account of the evolution of CivPol mandates and activities.)

This evolution reflected the international community’s growing awareness of the broad range of security needs, and types of assistance required by indigenous police forces in peace operations. Also, as the scope of international interventions has broadened, policymakers and analysts have increasingly viewed ensuring public security as the responsibility of the countries and organizations which have intervened (to be provided jointly, where possible, with indigenous personnel). At the same time, policymakers and analysts recognized several important problems. These problems concerned the need for the adoption of clear and feasible mandates (which is outside the scope of this paper) and the development of standards and procedures for smooth and effective implementation.

Problem Areas: System and Security Gaps

As policymakers and analysts have grappled with improving the mechanisms for implementing peacekeeping mandates, they have identified two problem areas, or sets of “gaps,” which must be addressed in order to ensure public security. These gaps are of concern to U.S. policymakers and are the subject of recent legislative proposals.¹³

The first problem area might be labeled a *system* gap. This concerns what many analysts perceive as a deficiency in the *recruitment and training* mechanisms of

¹² The grant of executive authority to international police and military forces is highly controversial, and there is considerable international debate over the utility and the wisdom of granting CivPols such authority. PDD-71 mandated a conservative approach towards conveying such authority to foreign forces, stating that in most cases indigenous police forces should retain responsibility for local law enforcement, with exceptions made in cases where indigenous police are unable to control local crimes. *PDD-71 White Paper, op. cit.*, p 10.

¹³ Other proposals, which are more operational in nature and will not be discussed at any length here, are the need for more advance planning and procurement of resources, and the need for the development of guidelines for the conduct of police and mechanisms to ensure accountability.

current systems. The problem is considered particularly acute for the United Nations, which recruits volunteers from a wide variety of countries with different police standards and policing practices. Because of this diverse pool, the United Nations has for years encountered difficulties in recruiting an adequate number of well-trained and professional policemen who can work together effectively. Besides a large number who lack basic skills — including the ability to drive — and required language capabilities, some of the early recruits (including both American and foreign) allegedly engaged in corruption.¹⁴ Over the past decade, the United Nations has adopted procedures to weed out obvious misfits. But, as missions have become more complex and demanding, problems remain in recruiting personnel with all needed skills. In addition, many analysts argue that additional training is required (1) to improve and instill a common set of “generic” policing skills necessary for all policing missions and a uniform standard of professionalism, and (2) to enhance their ability to work together.

The second problem area is the presence of three *security gaps* in the ability of the international community to establish law and order in peacekeeping and other post-conflict situations.¹⁵ (Deficiencies in recruitment and training systems can contribute to the first two of these gaps.) These gaps can be particularly troublesome in situations where not all parties to the conflict are dedicated to peace or where criminal networks have taken root, and where local authority has been removed or replaced by an international intervention.

- The first of these security gaps is the *deployment gap*, or the failure or inability to deploy police forces as quickly as needed, or in adequate numbers to perform the mission assigned to them. This was noted in the U.S. unilateral intervention in Panama in 1989, and subsequently in some of the earliest international missions of the 1990s, for example in Cambodia. There, the UNCIVPOL mission could not perform some of its mandated tasks because it took several months to deploy CivPol components and some 10 months for the mission to reach its authorized size. In Somalia, it took nearly a full year to deploy the first dozen UNCIVPOL. In other cases, such as Bosnia in the mid-1990s, the United Nations was able to recruit only about half of the number authorized for the mission. Although deployment time apparently has been somewhat reduced as missions have become more complex, it still is not considered optimal. In addition, a gap remains in the U.N.’s ability to deploy a sufficient number of people with specialized skills.

¹⁴ See for example Andrew Higgins. *As It Wiolds Power Abroad, U.S. Outsources Law and Order Work*. Wall Street Journal. February 2, 2004, pp A1, A12.

¹⁵ The terminology used in this paper regarding the three security “gaps” involved in peacekeeping operations, the deployment gap, the law enforcement gap, and the institution gap, is that of Oakley, et al., in Robert B. Oakley, Michael J. Dziedzic, and Eliot M. Goldberg, eds., *Policing The New World Disorder: Peace Operations and Public Safety*, (Washington, D.C.: National Defense University Press, 1998, hereafter referred to as *Policing the New World Disorder*), pp. 11-13. Other analysts use other terms (in particular the term “security gap”) for one or more of these gaps.

- The second is the *enforcement gap*, or the inability of deployed police forces to assure the level of security needed to provide the necessary climate to conduct normal policing operations. In these cases, the police deployed often lack the necessary skills to handle the situation, in particular the military skills needed to carry out constabulary functions in hostile situations, and investigative and intelligence-gathering skills to deal with organized crime. When military forces have not been available to assist police in handling hostile situations, either because they were in short supply (as occurred in Somalia in 1993-1995) or because their mandate did not include law enforcement functions (as in Bosnia in 1996), peacekeeping operations have been compromised.
- The third is the *institution gap*, where the indigenous law enforcement system lacks adequate numbers of honest and efficient judicial and penal personnel, as well as sound judicial and penal institutions, and thus are unable to effectively follow-up to police work with prosecution and punishment necessary for sustainable security. In many post-conflict situations, understaffed (if not partially intimidated or corrupted) judiciaries and penal systems, lacking even basic resources, have not been able to handle effectively the increased workload that results from more efficient policing.

Current Systems and Reforms

Since the end of the Cold War, the international community has provided international police assistance through multilateral and unilateral mechanisms. The United Nations has been the principal actor in international police operations, but the European countries and regional organizations and the United States have also played important roles.

The United Nations international civilian police system is currently the mechanism through which much international civilian police assistance is provided in multilateral operations. As of February 29, 2004, some 4,655 UNCIVPOL officers from 65 nations were serving in eight U.N. missions.¹⁶ About a fifth of those countries (13) provide about two-thirds of those officers. The largest contributor is Jordan (553) and the second largest is the United States (476). Other countries contributing over 100 officers are: India (347), Germany (259), Turkey (194), the Ukraine (192), Nepal (182), Malaysia (178), Romania (176), Pakistan (172), Argentina (146), Poland (127), and the United Kingdom (126). Over 75% of those UNCIVPOL (3,508) were serving in Kosovo, the largest UNCIVPOL mission by far, as of February 29, 2004. Other missions are in Liberia (518), East Timor (303),

¹⁶ For updates and more detailed information, see
[<http://www.un.org/Depts/dpko/dpko/contributors/index.htm>].

Sierra Leone (142), the Democratic Republic of the Congo (115), Cyprus (47), Georgia (10), and Afghanistan (5).

Many nations have also provided training and reform assistance on an individual basis, often within the context of multilateral efforts. During the early to mid-1990s, the United States provided police assistance in two U.S. peacekeeping operations in Somalia and Haiti, carried out under U.N. authority. The United States also took the lead in developing police training programs in Somalia through the Justice Department's International Criminal Investigative Training Assistance Program (ICITAP), which continues to provide direct training and reform assistance. (For more information, see Appendix B.) Many European Union (EU) member states have contributed police assistance on an individual basis, including the United Kingdom, Germany, Sweden, Belgium, Netherlands, France, Spain, and Italy.

Increasingly over the past decade, the Organization for Security and Cooperation in Europe (OSCE), and more recently the European Union (EU) have taken the lead in specific missions, often as an adjunct or follow-up to U.N. missions. For instance, while the United Nations has had responsibility for the overall police mission in Kosovo, the OSCE has provided CivPols to establish the new police academy and train the members of the new police force there. The OSCE also has missions which provide training assistance and support for building local police capacity in seven other countries. In January 2003, the EU assumed responsibility from the United Nations for the police mission in Bosnia. On December 15, 2003, the EU launched its second police mission, the 200-strong PROXIMA mission in the former Yugoslav Republic of Macedonia.

United Nations Civilian Police System

Background. U.N. Member States contribute police personnel on a voluntary basis, following a United Nations Security Council resolution authorizing a peacekeeping operation.¹⁷ Most Member States have national police forces and their contributions consist of individual police officers or "formed" police units¹⁸ recruited from their national forces. The U.N. philosophy of CivPol is based on international standards for democratic community policing and human rights. The Charter-driven principles of peacekeeping governing civilian police include: consent and

¹⁷ The Secretary-General makes recommendations on the modalities of the operation and submits reports to the Security Council on the progress of the mission. Member States usually finance U.N.-conducted peacekeeping operations through assessed contributions. The U.S. Congress provides for the U.S. assessed contributions to nearly all U.N. peacekeeping operations through the Department of State authorization and appropriation bills, under the Contributions to International Peacekeeping Activities (CIPA) section of the international Organizations and Conferences account. CIPA funds are used to pay the U.S. obligations for the special assessed accounts that the U.N. General Assembly establishes for most peacekeeping operations. (For more information, see CRS Issue Brief IB90103, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne, updated regularly.)

¹⁸ "Formed" police units are those personnel deployed as whole or nearly-whole units with their own equipment and other provisions. Often, formed police units consist of constabulary forces, which are usually referred to as "specialized national contingents."

cooperation of the local parties, impartiality, and minimal use of force (strictly in self-defense), among others.¹⁹

Within the U.N. Headquarters, the Department of Peacekeeping Operations (UNDPKO) provides political and executive direction, under the overall mandate or charge of the U.N. Security Council, to all components of the operation in the field, including the police mission.²⁰ Within the UNDPKO, the Civilian Police Division (CPD) provides for the policy and planning of civilian policing activities and for the management of that aspect of the mission. Its responsibilities include oversight, assistance to contributing Member States with their recruitment and selection of CivPol personnel, and administration of the deployment and rotation cycles for all international civilian police officers. Training-related activities are handled by the UNDPKO training unit, however, as the CPD does not have a budget line for training. In the field, UNCIVPOL personnel are under the command of the UNCIVPOL Police Commissioner, who reports to the U.N. Secretary-General's Special Representative.

Perceived Problems, Proposed Reforms and Implementation. The Brahimi Panel report is the document widely cited as the authoritative analysis of the many problems in the U.N. peacekeeping system and as the blueprint for peacekeeping reform. Among its many topics, the report identified difficulties with the recruitment and training of adequate police personnel, and impediments to their deployment. It recommended four actions to strengthen the U.N.'s capacity to rapidly deploy UNCIVPOLs and to conduct effective police missions. Two of these concerned recruitment: (1) the establishment by each police-contributing Member State of a "ready roster" of rapidly deployable, qualified CivPols; and (2) the development by the United Nations of an on-call list of experts for advance mission planning. A third involved training: the development of regional partnerships for joint police training. The last — the identification of a national point of contact on CivPol matters in each country — was procedural.²¹

In addition, between March 1998 and mid-August 2000, the UNDPKO held three conferences with police-contributing nations to review U.N. policing operations in order to identify problems with the U.N. system and to propose solutions. As a result of these meetings, donor countries reached near consensus on proposals to address problems with recruitment, training, deployment, and related problems.²²

¹⁹ For more information on these principles, see: CRS Report 90-96 F, *United Nations Peacekeeping: Historical Overview and Current Issues*, by Marjorie Ann Browne, January 31, 1990, pp 8-9. Available from the author on request.

²⁰ Generally, this has included planning and support of the operations, as well as guidance on policy and operational issues. UNDPKO coordinates with a number of U.N. departments and offices, including Political Affairs, Humanitarian Affairs, Administration and Management, Public Information, and the Office of Legal Affairs.

²¹ *Brahimi Panel Report. op. cit.*, p 21.

²² UNDPKO convened these seminars in March 1998, July 1999 and August 2000. They dealt with recruitment, training, deployment, logistics, and overall policy issues. For more information, see: United Nations Secretariat, Department of Peacekeeping Operations, (continued...)

There was some overlap between the Brahimi Panel recommendations and the UNDPKO seminar proposals, as the UNDPKO proposals also called for the incorporation of CivPol personnel under the U.N. standby arrangement system created for military personnel, as well as measures to improve training. The UNDPKO seminar recommendations also made a specific proposal for pre-positioning of equipment in order to facilitate rapid deployment. Three other UNDPKO recommendations concerned procedural and organizational impediments to efficient operations.

Some of the Brahimi panel and UNDPKO seminar recommendations have been implemented, although many analysts judge that significant problems remain with the UNCIVPOL system. The following sections on recruitment, training, and deployment discuss (1) the perceived problems in these areas, (2) the three Brahimi and the three UNDPKO seminar reforms that were recommended to remedy recruitment, training, and deployment problems, and (3) the status of reform implementation. These sections also discuss constraints on UNCIVPOL reform in these areas.

Since the Brahimi Panel report was issued, some analysts find that the U.N. has made progress in other areas. One of these is the reform of the operational, technical, and internal management of UNDPKO, which was the subject of a Brahimi and of UNDPKO seminar recommendations.²³ These topics are outside the scope of this report.

The Brahimi Panel's specific recommendations were based on a recognition that the increasingly broad and complex UNCIVPOL operations, targeted at reforming and restructuring local police, called for a new approach. This new approach required more qualified and better trained law enforcement personnel working in tandem with other rule of law professionals. The Brahimi Panel report defined this new approach as a "doctrinal shift," emphasizing reform and restructuring instead of monitoring, advising, and training activities. Further, this doctrinal shift required that the law enforcement personnel integrate their activities with those of rule of law

²² (...continued)

Report of the Seminar on the Role of Police in Peacekeeping Operations, New York, March 20-21, 1998; United Nations Secretariat, Department of Peacekeeping Operations, *Report of the Follow-up Workshop on Civilian Police in United Nations Peacekeeping*, New York, July 29-30, 1999. Also see: Perito, Robert, *The American Experience With Police In Peace Operations*, The Canadian Peacekeeping Press of the Pearson Peacekeeping Centre: Canada, 2002, pp 94-96. References to the UNDPKO seminar recommendations are taken from Perito, p 95.

²³ There was one Brahimi and several UNDPKO seminar recommendations in this area. For instance, one UNDPKO seminar recommendation called for an organizational change within the CivPol office of the UNDPKO, proposing that the United Nations augment the small group of six officers there who were responsible for supporting all UNCIVPOL missions. Since that recommendation, according to the UNDPKO CivPol office, the number has been increased gradually to 24, 20 of whom are professional staff, and four of whom are administrative.

experts (judicial, penal and human rights specialists) in order to strengthen all rule of law institutions.²⁴

The Brahimi Panel itself recognized that such a shift might stress U.N. Member States by requiring them “to provide even more well-trained and specialized police experts, at a time when they already face difficulties meeting current requirements.”²⁵ Further, some analysts see various problems with implementing this approach. For one, it is controversial within the U.N. CivPol system, where the UNDPKO and CPD perspective seems to be that the primary role and function of UNCIVPOL personnel is building local police services capacity, according to some experts. The reasoning undergirding this viewpoint is that broad and intrusive undertakings would infringe on Member States’ perceptions of the inviolability of national sovereignty and the principal of non-interference and, in any event, would prove unfeasible because of limited personnel, material, and financial resources.

Nevertheless, the United Nations has taken steps towards greater use of a full range of rule of law experts in peacekeeping operations by creating a new rule of law unit. Still, a recent report of the Henry L. Stimson Center views progress towards integrating rule of law-related components as “lagging” as the UNDPKO received only two of the six posts it requested for planning rule of law operations, leaving it “nearly as hard-pressed” to deploy a mission “with a substantial criminal justice component (police, prosecutors, judges, corrections)...as it was three years ago.”²⁶ (For further discussion on the use of such experts, see the option on the development of a U.S. “stability force,” below.)

Recruitment. The current *ad hoc* system of recruiting civilian police from a wide range of U.N. Member nations results in three problems, the first two of which are the subject of specific reforms proposed by the Brahimi Panel report and the UNDPKO seminar. First, the United Nations still experiences uneven results in recruiting police who can meet minimum standards and who, in many cases, lack experience with community policing and international human rights standards, even though efforts to improve the overall quality reportedly have had some success.²⁷ In addition, as UNCIVPOL roles have expanded, the United Nations has experienced significant difficulties in recruiting police officers with specialized skills. A third problem is the absence of a comprehensive U.N. civilian police strategy, including a methodology for determining mission needs, which has made it difficult to determine the appropriate authorized strength and necessary skills for a mission,

²⁴ *Brahimi Panel Report, op. cit.*, p 20.

²⁵ *Ibid.*

²⁶ William J. Durch, Victoria K. Holt, Caroline R. Earle, and Moira K. Shanahan. *The Brahimi Report and the Future of UN Peace Operations*. Washington, D.C.: The Stimson Center, December 2003, p 106.

²⁷ According to one former deputy commissioner of the U.N. Bosnia police mission, there were periods during his 14-month tenure that 10-15 percent of the police officers sent to the mission did not meet the basic criteria. J. Michael Stiers, in testimony. *Civilian Police and Police Training in Post-Conflict OSCE Areas*. Hearing before the Commission on Security and Cooperation in Europe. [CSCE 107-1-4] September 5, 2001, p 46.

according to some analysts.²⁸ This in turn, they argue, complicates the process of recruiting an adequate number of suitable civilian police personnel with skills appropriate for mission requirements.

Despite increasingly complex mandates and responsibilities for UNCIVPOL missions, the United Nations only requires Member States to provide officers who meet basic criteria, excluding other mission-specific requirements.²⁹ Currently, the criteria for civilian police include (1) a minimum age of at least 25, (2) five years of service in a national police force with community policing experience, (3) proficiency in one of the official U.N. languages (Arabic, Chinese, English, French, Russian or Spanish), (4) possession of a driver's license, (5) ability to operate a four-wheel drive vehicle, and (6) meeting medical standards. Executive authority missions require police officers with firearms experience. Pre-selection testing and induction training in contributing countries are encouraged but not mandatory.

Many analysts assert that some civilian police personnel still do not meet the basic selection criteria, especially language, driving, and firearms skills, despite U.N. efforts to improve the quality of recruits. Since 1996, the United Nations has sent Selection Assistance Teams (SATs) to provide guidance to Member States in selecting police candidates. The SATs and induction tests conducted in the field have focused on the basic language, driving, and firearms requirements which are necessary for all monitoring missions.³⁰ Some retraining and retesting of basic requirements continue in the mission upon arrival. (In the U.N. Mission in Bosnia-Herzegovina, retesting reportedly accounted for "approximately one quarter of the

²⁸ In determining such requirements, UNDPKO does undertake on-the-ground assessments of such factors as the character of the local population, the ratio of indigenous police to the local population, local crime statistics and the causes of criminality.

²⁹ Criteria verified as current as of March 19, 2004. Additional desired, but not essential, competencies include knowledge of (1) Member State laws and penal systems; (2) Member State constitution and legal authorities; (3) basic crime scene skills; (4) communications equipment and radio procedure; (5) firearms use; (6) basic policing skills, including foot patrols, vehicle patrols, domestic intervention, traffic control, accident site reporting, map-reading, and report writing and interviewing skills; (7) basic negotiation and conflict resolution skills; (8) problem-solving strategies; (9) basic first aid and stress management; and (10) other official U.N. languages. The United Nations also prefers recruits with previous UNCIVPOL mission experience and seeks to have 10% female participation in national contingents. For more information, see United Nations, Department of Peacekeeping Operations, *Selection Standards and Training Guidelines for UNCIVPOL*, First Draft, May 1997.

³⁰ *Ibid.* p12.

total induction period.”³¹) Until recently, these deficiencies resulted in high repatriation costs as well as lags in deployment.³²

Recruitment for specialized skills has been even more difficult, according to many analysts. UNDPKO reportedly has had better success recruiting for general skills than in recruiting in advance for specialists in areas such as training, investigations, organized crime, forensics, drug trafficking, and police intelligence. Specialists have often been recruited from within the missions after UNCIVPOL personnel have arrived.

Three of the Brahimi Panel and the UNDPKO seminar recommendations concerned the *advance recruitment* of personnel (i.e., before a mission is authorized) in order to improve the quality of recruits and also to speed deployment. Although analysts consider activities in the pre-deployment stage crucial to holding down the costs of dealing with unqualified personnel, success has been mixed in implementing these recommendations.

- The Brahimi Panel Report recommended that Member States establish, under the U.N. System of Standby Arrangements (UNSAS), a national “ready roster” of pre-selected and trained CivPol personnel available for deployment on short notice. [The report specified that such “national pools” be comprised of “serving police officers ... augmented, if necessary, by recently retired police officers who meet the professional and physical requirements....”³³] Similarly, the UNDPKO seminar recommendations proposed that the UNSAS be enhanced by the creation of an effective ready roster of international police personnel, to be made possible by an increase in the number of participating countries, the creation of job descriptions, and the identification of personnel by specialization. A March 2003 report of the U.N. Special Committee on Peacekeeping Operations “welcomed the considerable progress made in strengthening” UNSAS “for military, civilian police and civilian personnel.”³⁴ Nevertheless, the December 2003 Henry L.

³¹ United Nations, General Assembly, *Management audit of the United Nations civilian police operations: Review of the efficiency of the administrative and financial functioning of the United Nations*. Report of the Secretary-General on the activities of the Office of the Internal Oversight Services, Fifty-fifth session, Agenda items 116 and 126, A/55/812, March 1, 2001, p 13.

³² According to Robert M. Perito, the first SAT team sent (in the mid-1990s) to donor countries to assist with selection for the Bosnia mission saved the United Nations “an estimated \$527,360.00 based on what it would have cost to repatriate officers who would have failed the tests upon arrival in theater.” Sept. 5, 2001 hearing before the Commission on Security and Cooperation in Europe. *op. cit.*, p 46.

³³ *Brahimi Panel Report. op. cit.*, p 20.

³⁴ United Nations, General Assembly. *Comprehensive review of the whole question of peacekeeping operations in all their aspects: Report of the Special Committee on Peacekeeping Operations*. 57th session. Agenda item 78. Doc. # A/57/767. March 28, (continued...)

Stimson Center evaluation of progress on the Brahimi recommendations found that “too few states have created...national pools of candidates for international operations....”³⁵ The report found the lack of individual candidates to be a major weakness, and recommended that countries “replace ‘bidding for slots’ on these on-call lists” with real candidates with professional experience and familiarity with UN rules, procedures, and operational requirements.”³⁶

- The Brahimi Panel Report also called for the United Nations to maintain an “on-call list of 100 police officers and related experts” who would be available on seven days notice for advance mission planning and early deployment while a UNCIVPOL force is being mobilized. In February 2002, UNDPKO established a 100-person on-call roster of civilian police personnel to recruit for specialized expertise and to provide leadership for new missions. As of March 2004, 10 of the 89 police-contributing Member States have nominated specific individuals for the on-call lists (although these individuals have not necessarily been screened or trained for U.N. operations.) The United Nations has also held training exercises to make the on-call system more efficient.³⁷

In addition, the United Nations has made another effort to improve recruitment for specialists. Since spring 2003, SAT visits now include substantive skills among the selection criteria.³⁸ “Substantive” skills include those skills related to management, planning, training, mentoring, and operations such as criminal investigations, forensic analysis, and traffic control, among others.

Analysts have also pointed to perceived shortcomings in U.N. procedures and processes that they believe undermine recruitment efforts. Most importantly, in a U.N. audit issued in 2001, analysts faulted the apparent absence of standardized criteria to determine the number of civilian police to authorize at the outset of a mission and to justify their continued presence.³⁹ (For the United Nations Mission in Bosnia and Hercegovina, UNMIBH, the criteria considered the ratio of UNCIVPOL to local police forces. But for the United Nations Mission in Kosovo, UNMIK, the criteria expanded to consider local crime statistics, local police strength,

³⁴ (...continued)
2003, p 3.

³⁵ *The Brahimi Report and the Future of UN Peace Operations*. p 80.

³⁶ *The Brahimi Report and the Future of UN Peace Operations*. *op. cit.*, p XXVII.

³⁷ *Ibid.*, p 12.

³⁸ As mentioned in United Nations, General Assembly. *Implementation of the recommendations of the Special Committee on Peacekeeping Operations*. Report of the Secretary-General, Fifty-seventh session, Agenda item 78, Comprehensive review of the whole question of peacekeeping operations in all their aspects, A/57/711, January 16, 2003. p 12. Implementation of this measure was verified March 11, 2004.

³⁹ *Management audit of the United Nations civilian police operations*, *op.cit.*, p. 9.

and local population.) In addition, the audit faulted UNDPKO for not consistently applying assessment systems to ensure that skills were appropriately matched to specific missions. In one example, civilian police personnel reportedly perform non-policing functions, reducing the number of police available for policing functions.⁴⁰ Nearly 18 percent of the civilian police in UNMIBH and UNMIK, and 10 percent in the United Nations Transitional Administration in East Timor (UNTAET), were assigned to mission headquarters. Administrative functions — in areas such as personnel, procurement, developing databases, and logistics — accounted for eight percent of the total number of the police officers in these three missions.

Training. Mission-preparedness training routinely varies among police-contributing Member States and, in some cases, is considered inadequate. Even among well qualified personnel, the lack of uniformity in experience and standardized training can undermine the effectiveness of a UNCIVPOL mission. Some of the impediments to assembling a coherent force were explained by a 2003 report of the U.N. Secretary-General: “the police component of a mission may comprise officers drawn from up to 40 countries who have never met one another before, have little or no United Nations experience, and have received little relevant training or mission-specific briefings, and whose policing practices and doctrines may vary widely.”⁴¹

Presently, Member States are responsible for providing pre-deployment generic and mission-specific training⁴² to the civilian police personnel that they contribute to police missions. In the mission area, UNCIVPOL personnel undergo in-theater training, which covers standard operating procedures, safety and security, and human rights, computer, and local language training.

Experts have cited three main reasons for inadequate pre-deployment training. First, Member States do not possess adequate police trainers with peacekeeping experience or training skills. Second, Member States lack the resources to conduct pre-deployment training programs. Third, national training programs differ widely among police-contributing countries.

One each of both the Brahimi Panel and the UNDPKO recommendations concerned training. The Brahimi Panel recommended that contributing nations should develop regional partnerships for joint police training exercises in accordance with U.N. standard operating procedures. The UNDPKO seminars recommended

⁴⁰ *Ibid.* p 16.

⁴¹ *Implementation of the recommendations of the Special Committee on Peacekeeping Operations. op. cit.*, p 14.

⁴² Generic peacekeeping training includes: (1) the background and framework on U.N. peacekeeping operations; (2) the organization of U.N. headquarters offices, particularly UNDPKO, in New York and the peacekeeping missions headquarters; (3) the concepts definitions, principles, and legal basis of peacekeeping missions; (4) general human rights and humanitarian concepts; and (5) administrative, logistics, and safety matters, and issues related privileges and immunities. Mission-specific training covers the role and functions of UNCIVPOL, history of the region, mandated responsibilities, culture, and mission language training.

that U.N. educational materials and training programs be used to help Member States pre-train personnel to be available for rapid deployment. According to the Stimson Center, “Evidence is scant that many member states have ... with the possible exception of the European Union ... moved toward regional training partnerships.”⁴³ The UNDPKO Training Unit has made some efforts at improving pre-deployment training by developing and distributing four training publications to assist Member States with their pre-deployment training program.⁴⁴ (UNDPKO also is planning to write a training publication to address international standards for police. Additionally, as part of the SAT, training specialists visit Member States to provide resources and advise on pre-deployment training programs.) Recently, UNDPKO has developed common training standards, including standardized “generic training modules” to provide for more uniformity in the level of competence of deployed peacekeepers, including police.⁴⁵

PDD-71 identified training as one area where the United States could make a contribution to increasing the capabilities of other nations to perform CivPol operations. While asserting that the “training and preparedness of individuals and units being supplied to coalition peace operations should remain a national responsibility,” PDD-71 recognized that “international organizations or other organizing bodies may need to supplement national training from time to time.” It therefore called for the State Department’s International Narcotics Control and Legal Affairs (INL) office (now the Bureau of International Narcotics and Law Enforcement Affairs) to “maintain the capacity to provide tailored training packages to U.S. and international CIVPOL when requested by the organizing body or the contributing state and when appropriate U.S. funding or appropriate reimbursement is available.”⁴⁶ Under a new State Department CivPol program, the State Department seeks to acquire capabilities to invite foreign police officers to train with the U.S. contingent, although no precise arrangement or program has been decided upon. (See the discussion on the new CivPol cadre program in the section on the United States, below.)

Deployment. The deployment of UNCIVPOL is a highly complex undertaking, involving the definition of missions needs, the rapid recruitment of adequate and qualified personnel, and the procurement of material and equipment, all within the context of coordinating contributions from many nations. Historically, the deployment times for UNCIVPOL missions have ranged from six to eighteen months due to insufficient human, material, and financial resources. The Brahimi Report cited four reasons for the deployment lag, the first of which — the lack of a standing police force — would require a major organizational change and was not the

⁴³ *The Brahimi Report and the Future of UN Peace Operations. op. cit.*, p XXIV.

⁴⁴ These training publications include: *Selection Standards and Training Guidelines for United Nations Civilian Police* (1997), *United Nations Civilian Police Course Curriculum*, *United Nations Civilian Police Handbook*, and *English Language course for United Nations Civilian Police*.

⁴⁵ *Implementation of the recommendations of the Special Committee on Peacekeeping Operations, op. cit.*, p 17.

⁴⁶ *PDD-71 White Paper, op. cit.*, p 9.

subject of a recommendation. The Brahimi Panel and UNDPKO seminar recommendations sought to address the other three: (1) the lack of a reserve corps of mission leadership, (2) the unreliability of current standby arrangements, and (3) an insufficient supply of ready equipment.

The Brahimi Panel defined an “effective and rapid deployment” period for a peacekeeping mission, including the UNCIVPOL component, as within four to 12 weeks of a Security Council authorization. Optimally, the Brahimi Panel report recommended full deployment within 30 days for “traditional” peacekeeping missions and within 90 days for complex emergencies after an authorized Security Council mandate for a peace operation. It recommended that a mission headquarters be installed and functioning within 15 days for complex emergencies.

Uncertainty exists as to whether the 30-90 day rapid deployment time frame (for military and police personnel) can be met, according to the Special Committee on Peacekeeping Operations.⁴⁷ The Committee alluded to three constraints on rapid deployment: the inability of the current U.N. system to handle concurrent (or nearly concurrent) deployment of two or more missions, the limited capacity of the civilian standby arrangements system with regard to region-specific expertise, and the need for contributing states to exercise the political will to quickly deploy well-trained and equipped civilian police personnel.

As mentioned in the section on recruitment, above, some reform is underway regarding the United Nations System for Standby Arrangements (UNSAS) for personnel and equipment. This reform will enable the United Nations to deploy more rapidly in the future, as will the development of the 100-person on-call roster of civilian police personnel. Following the UNDPKO recommendation that equipment be pre-packaged and stored at the U.N. Logistics Base in Brindisi, Italy (UNLB) for rapid deployment at the beginning of new missions, the United Nations has improved its procurement and management of strategic deployment stocks at UNLB (for all components of peace missions.) Nevertheless, there has been no program developed to prepare UNCIVPOL for rapid deployment. Although many U.N. Member States have developed generic rapid deployment programs, few currently possess the capability to deploy rapidly.⁴⁸

U.S. Civilian Police Program

Background. The Department of State’s Bureau for International Narcotics and Law Enforcement Affairs (INL) manages the U.S. CivPol program, with responsibility for policy development, training, oversight, and coordination with the United Nations and other contributing countries. Unlike most other countries, the United States does not have a large national police force to draw from and no

⁴⁷ *Implementation of the recommendations of the Special Committee on Peacekeeping Operations, op. cit.*, p 12.

⁴⁸ Regarding information in this paragraph, see *The Brahimi Report and the Future of UN Peace Operations, op.cit.*, especially pp XXIV-XXV, 79-83, and 90-93.

permanently established system for contributing personnel to police operations.⁴⁹ Instead, on a case-by-case basis for each mission, the State Department recruits civilian police personnel from local and municipal law enforcement agencies through a commercial contractor. Through the end of March 2004, DynCorp International, a CSC Company, has been the sole supplier of civilian police personnel under a State Department contract. As of April 1, 2004, the State Department will initiate a new arrangement. In February 2002, the State Department contracted two companies, DynCorp and Civilian Police International LLC (a joint venture of L-3 and MPRI), to maintain rosters of up to 2,000 personnel whom they have recruited and prescreened. A third contract for the same purpose was issued in March to a joint venture formed by PAE Government Services, Inc., and HomeLand Security Corporation. These companies will use their rosters as the basis for bidding on contracts to actually deploy CivPol personnel, both for replacements for existing operations and for people for new operations. (See below for further discussion.)

As there is no specific authority and thus no dedicated budget line for the U.S. CivPol program, it is usually funded through various State Department regional bureaus and the State Department's Peacekeeping account. Most U.S. CivPol officers receive a base salary ranging from \$50,000-100,000 depending on the mission. Those participating in U.N. missions receive a subsistence allowance which ranges from \$75-95 per day. In some cases, they also receive danger pay.

The total cost of U.S. CivPol personnel varies according to mission, with recent annual costs ranging from \$100,000 per U.S. CivPol officer in Kosovo to \$150,000-\$175,000 per officer in Iraq, according to a representative of DynCorp, the private contractor currently providing police service in those areas. The Kosovo cost figure covers the cost of an officer's salary, equipment, transportation and "MWR" (morale, welfare, and recreation) support, such as exercising equipment and Internet connections. The higher Iraq figure also includes the cost of providing security, food, and housing. These expenses are covered by the United Nations in Kosovo.⁵⁰ As a point of comparison, the Congressional Budget Office has estimated that the incremental cost per troop (i.e., the cost over and above paying their salaries and maintaining them during peacetime) of posting soldiers to Iraq as of September 2003 ranged from \$179,000, when the estimate was based on a twelve-month rotation schedule, to \$206,000, when based on a standard six-month rotation schedule. The latter also was based on a slightly higher number of reserve component soldiers, which cost considerably more to deploy than to maintain in peacetime.⁵¹

⁴⁹ Most other contributing States have substantial federal police forces that operate throughout their countries, from which they can draw personnel. The United States cannot draw from such a permanent pool because its public security forces that perform community policing functions are municipal, not federal. (Federal police forces include such units as the National Park Service's U.S. Park Police and the U.S. Capitol Police.) The United States is the only country to use contractors for international police service.

⁵⁰ Telephone interview with Richard Cashon of DynCorp, December 3, 2003.

⁵¹ U.S. Congressional Budget Office. Letter to the Honorable Robert C. Byrd. September 3, 2003. This letter can be accessed through [<http://www.cbo.gov>]. A news article in November 2003 computed the costs as slightly higher based on the number of troops (continued...)

As of March 27, 2004, some 1,016 U.S. CivPol and support personnel were participating in international CivPol missions. Four of these were in U.N. missions: Kosovo (479 police officers/26 support personnel), Liberia (75/2), East Timor (18/2), and Sierra Leone (1 officer). In addition, four police officers were seconded to Organization of Security and Cooperation in Europe (OSCE) missions and one was seconded to the OSCE headquarters for mission liaison in Vienna, Austria. Some 408 police officers and support personnel are deployed as unilateral U.S. contributions: Afghanistan (30/20) and Iraq (295/63). As of that date, the United States also provided six police officers to monitor several high-profile prisoners in a prison in Israel, although that deployment is not considered an international police program.⁵²

Perceived Problems, Proposed Reforms, and Implementation. U.S. policymakers have recognized that the United States, like other nations, has problems in recruiting and deploying qualified CivPol personnel. The major points of PDD-71 were designed to enhance U.S. response capacities, including improving operational activities. PDD-71 set forth policy and provided guidance for the provision of U.S. CivPol personnel, including their recruitment, training, management, and deployment, as well as for the improvement of the capacity of foreign police to participate in peace operations.

Some of the perceived problems with the U.S. CivPol contingents are similar to those cited for the U.N. civilian police system. These include inefficiency in matching individual skills with mission requirements, inconsistencies in levels of training and professionalism, and lag in deployment. Many analysts emphasize a continued need to improve the current system, even though perceptions about the U.S. civilian police program have become more positive with ongoing improvements over the last few years.

In what was intended as a major innovation in the U.S. CivPol system — building upon the PDD-71 mandate — the Department of State has issued contracts (as mentioned above) for the establishment and maintenance of a reserve cadre of up to 2,000 U.S. law enforcement personnel, who would be available for international police service on short notice.⁵³ The intention of establishing a reserve cadre was

⁵¹ (...continued)

deployed to Afghanistan and Iraq, and to supporting areas. The per troop figure for Iraq was given as \$20,000 per month (\$240,000/year), for Afghanistan it was \$23,000 per month (\$276,000/year). Bradley Graham. "Disparity in Iraq, Afghanistan War Costs Scrutinized." *The Washington Post*. November 11, 2003, p A13.

⁵² Figures provided by DynCorp, March 27, 2004.

⁵³ Information on this cadre was taken from the State Department's Request for Proposal (RFP, i.e., bidding information). As detailed by the RFP, cadre would be recruited from federal, state, and local law enforcement agencies, and be comprised of generalists and specialists, including law enforcement generalists (45%), certified trainers (12%), border police (3%), crimes against persons investigations (4%), property crimes investigators (3%), supervisory/management (7%), court security specialists (2%), corrections officers (3%), intelligence officers (2%), custom specialists (2%), crime scene investigators (4%), senior (continued...)

to facilitate the rapid deployment of well-qualified CivPols. Under the State Department's Request for Proposal (RFP), the contractor was to be responsible for recruitment, training, and procurement services, as well as pre-deployment and deployment support.⁵⁴ As envisioned by the bidding proposal, the new cadre of U.S. civilian police would "eliminate the requirement to conduct from scratch, recruitment, selection, and training activities each time the U.S. contributes police to an international CivPol operation."⁵⁵ The RFP also called for the contractor to identify technical advisors, who are not police officers, who could be called upon to assist with establishing institutional capabilities in police, judicial, and corrections systems.

The State Department's decision to award contracts for the new CivPol cadre program to multiple companies, rather than one as originally envisioned, has raised some questions about whether the process will be as expeditious as originally planned. While there may be some advantages to be gained by continued competition for CivPol deployments, and the greater number of applicants from which to choose, which some may judge necessary because of the Iraq and Afghanistan missions, some analysts fear that these advantages will be offset by additional costs and delays. Moreover, the extent to which the original RFP provisions continue to apply are unclear as the new contracts have not been made public. Further details are discussed below under the appropriate headings.

Recruitment. While the current recruitment program has enabled the United States to provide CivPols to U.N. police missions for several years, and more recently to dispatch them unilaterally to Iraq, experts have disagreed on the relative utility of this recruitment method. DynCorp (to date, and other companies in the future) recruits police officers who are serving or have recently served with state and local law enforcement agencies. Most police officers take a leave of absence; others resign to perform international police service, and some are recent retirees. Many analysts recognize that the system draws from overextended municipal and state forces. In recent years, problems with adequate police staffing of municipal and state departments have been exacerbated by the repeated call-ups of U.S. military reserve forces for homeland security, Afghanistan, and Iraq, as a significant number of U.S. police officers are members of the reserve, according to some analysts.

Some analysts assert that the United States has not obtained uniformly high quality recruits through the current contracting system because municipal and state police departments are generally unwilling to allow their most valuable officers to

⁵³ (...continued)

commanders (1%), dignitary protection officers (3%), civil disorder specialists (3%), organized crime investigators (2%), and traffic accident investigators (4%). U.S. Department of State, S-LMAQM-03-R-0109, accessible through [<http://www.fedbizopps.gov>] (Vendors/Department of State/Office of Logistics Management/Posted October 15, 2003.) Accessed March 2004.

⁵⁴ The pre-deployment and deployment support was to include "contract program management, uniforms and equipment, transportation arrangements and per diem for basic, in-service, and specialized training programs." *Ibid.*, Section C.2.2.

⁵⁵ *Ibid.*, Section C.3.

take extended leaves. Some suggest that the United States might be able to recruit a more professional and qualified force if it were able to provide state and municipal governments with some compensation or reimbursement for detailing police officers to CivPol missions. (This would apparently require new legal arrangements, however. Currently, law enforcement agencies receive no financial incentives for officers participating in international police service.) Some also argue that the recruitment of individual U.S. police officers, rather than of formed police units, has made the U.S. police contingent less cohesive. This contributes to the already varied mix within UNCIVPOL forces.⁵⁶

In addition, some analysts assert that the U.S. selection criteria do not accurately reflect mission requirements. Current employment selection criteria for civilian police candidates vary according to mission, but all include (1) U.S. citizenship, (2) eight years of work experience, with at least five years as an active sworn civilian law enforcement (LE) officer, and currently serving as a sworn LE officer or recently separated from LE service within five years, (3) an unblemished record, (4) valid drivers license and ability to drive a standard transmission 4x4 vehicle, (5) excellent health and ability to pass physical, agility, and psychological tests, (6) valid U.S. passport, and (7) ability to communicate in English. Most also require the ability to qualify with a 9mm semi-automatic handgun.⁵⁷ Nevertheless, the Department of State apparently satisfies its recruitment goals for basic skills and is making improvements in recruiting for specialized skills. For the Kosovo, East Timor, and Iraq police missions, requirement qualifications were expanded to include two years' experience in a specialized area.

The problem of recruiting high quality and specialized personnel may be addressed to some extent by the new State Department CivPol cadre program. The State Department's bid solicitation document for that program indicated that nearly 55% of the total cadre would be comprised of specialists. In addition, minimal police officer qualifications were to include interpersonal, leadership, training and negotiation skills, knowledge of international police standards, and experience working in multicultural environments.

The CivPol cadre program bid solicitation also states that individuals selected for the program would "receive training on an annual basis in policing skills recognized across the United States as essential to conducting effective law enforcement." The intention of offering such training, according to a State Department official, was to create an incentive for high quality officers to join the program by providing training which might help that officer achieve a promotion or

⁵⁶ Because it does not have a significant national police force, the United States does not participate in the U.N. on-call and UNSAS police lists.

⁵⁷ For a complete list of qualifications by mission, see the DynCorp website at [<http://www.policemission.com>]; accessed July 19, 2003. Qualified applicants undergo a background investigation, which includes criminal and financial check, a personal history statement, reference check, police department internal affairs review, performance evaluation for the past two years, biography, medical and psychological examination, and an oral interview.

other career goal.⁵⁸ A precise program had not been developed, however. Whether sufficient funding would be provided to offer such training to all members of the three separate cadre lists (i.e., potentially as many as 6,000 people) that will be maintained under the new program is unclear.

Training. Training for U.S. CivPols is complicated by the inconsistencies in the levels of skills and professionalism among the individual police officers recruited from the many police departments across the country. As a result, some experts have viewed the training program's length and content as insufficient. Under the current U.S. CivPol program, U.S. police officers undergo several days of pre-deployment training (the length depending on the mission), referred to as Police Assessment, Selection, and Training (P.A.S.T). Currently, the pre-deployment training curriculum includes: (1) United Nations and peace operations, (2) International Criminal Investigative Training Assistance Program (ICITAP) vis — a-vis international CivPol program, (3) mission overview and history of the region, (4) U.S. military in peace operations and civil-military relations, (5) team building, (6) lifestyle in the mission, (7) human rights, (8) contractor logistical support, (9) personal safety and defensive tactics, and (10) use of the expandable police baton and aerosol subject restraint. In addition, candidates undergo driving, language, and firearms tests.

As described in the bid solicitation documents of the new State Department CivPol cadre program, an improved training curriculum being developed by INL would meet nation-wide Police Officer Standards and Training (POST) certification requirements and be consistent with international principles of democratic policing and human rights, with ongoing training courses in policing skills, specialized and in-service training. This new training program would seek recognition and certification from U.S. and select foreign law enforcement organizations and police academies. As mentioned above, the new CivPol cadre program also contemplates additional training to be provided on an annual basis. Some have wondered whether training costs may be higher under the new three-contractor cadre system than originally anticipated because of a possible increased number of annual trainees and facilities for pre-deployment training, and associated administrative requirements.

Deployment. The U.S. CivPol contingent can currently deploy to a U.N. operation within 30-45 days following a U.N. Security Council authorization. Currently, the United States fulfills the deployment requirement as recommended by the Brahimi Panel report, but falls short of expectations contemplated in proposed legislation (H.R. 1414, discussed in the Options section below), which calls for deployment capability for UNCIVPOL no later than 15 days following authorization by a U.N. Security resolution.

Whether the United States will be able to maintain its current deployment capability under the new CivPol cadre system is being questioned by some analysts, however. As detailed in the bid solicitation documents of the program, the contractor would maintain a database of commercial sources capable of providing basic and personal equipment on a "standby arrangement," which could likely decrease

⁵⁸ Telephone interview with Robert Gifford, Police Program Manager, INL. March 19, 2004.

deployment time. Additionally, the contractor would develop a logistics support team to provide advanced logistical and administrative support in the mission for the U.S. police contingent that could also augment lacking operational capabilities of the United Nations and regional organizations.⁵⁹ This team would deploy in advance of the U.S. CivPol contingent. It is not clear, however, to what extent those provisions continue to apply under the actual contracts issued for the new system. Also unclear is the extent to which deployments may be slowed by the need for a new round of bidding with each new mission.

European Reforms

Most European countries deploy police recruited from their national police forces to international CivPol operations. (The United Kingdom is the major exception because, as in the United States, its police are organized largely at the local level.⁶⁰) As major contributors to U.N. and, more recently, European-sponsored police missions, European governments have recognized for several years that reform of their own deployment systems were important to substantially improving international CivPol capabilities.

European Union.⁶¹ Since 1999, the EU has developed goals and procedures to improve the quality and timeliness of European contributions to U.N., OSCE, and EU police missions. At the June 2000 meeting of the EU heads of state and government in Feira, Portugal (known as the Feira European Council), Member States agreed to develop a 5,000 civilian reserve police force (individual police officers or integrated police units) for international peace operations (with 1,000 police deployable within 30 days) by 2003.⁶² The development of police capabilities takes place within the context of the European Security and Defense Policy (ESDP) adopted at the December 1999 Helsinki Summit of European heads of state and government. Police capabilities would include both civil status and police forces, capable of performing constabulary functions.⁶³ In June 2001, the Göteborg [Sweden] European Council adopted a Police Action Plan, which establishes a

⁵⁹ Unlike other countries, the United States has routinely provided various types of support for the civilian personnel which it provides to U.N.-led operations, including uniforms, equipment and supplies, as well as administrative, medical, and health services.

⁶⁰ Even though they are local, all police forces in Britain come under the jurisdiction of the Home Secretary, which calls upon police to volunteer for foreign service and must receive the consent of local police authorities to deploy volunteers. Telephone interview with a Home Secretary official, March 24, 2004.

⁶¹ Information in this section was verified by an EU office as accurate and current as of February 26, 2004.

⁶² European Union. Press Report on the 2386th Council Meeting (Section on the Police Capabilities Commitment Conference.) *General Affairs*. 13802/01 (Presse 414), Brussels, November 19, 2001, p 20. [Accessible through the EU website's Newsroom link.] The Feira European Council also called for increased civilian capabilities in three areas beside policing: rule of law, civil administration and protection of civilians in disaster and other crisis situations.

⁶³ *Ibid.*

common requirement for selection and training of police, as well as guidelines for command and control and for inter-operability.⁶⁴ The EU also established the Rapid Reaction Mechanism (RRM) to provide flexible funding arrangements for civilian crisis management operations for a six-month period.

As of late February 2004, EU Member States have committed up to 5,000 police officers for crisis management operations. Of this number, 1,400 could be available for rapid deployment within 30 days. As part of their commitments, Member States have also undertaken to provide up to 13 rapidly deployable, integrated police units, ranging from 60 to 110 officers each. Two Member States have offered to provide four headquarters units for police missions, two of them for rapid deployment. In November 2003, personnel from 22 European countries attended a joint exercise in Italy in order to test the inter-operability of integrated police units at the headquarters level.

The EU launched its first ESDP mission on January 1, 2003: the EU Police Mission in Bosnia and Hercegovia (BiH), as a successor mission (without executive authority) to the U.N. International Police Task Force. Under a three year mandate, the mission aims to establish sustainable policing arrangements for BiH in accordance with European and international “best practices.” The mission consists of almost 500 police officers and 70 civilian experts from 33 states.⁶⁵ Its annual budget is US \$47.2 million (38 million Euros at an exchange rate of 1.24 Euros/US\$).

On December 15, 2003, the EU began its second police mission (EUPOL Proxima) in the former Yugoslav Republic of Macedonia, with an authorized strength of 200 police and civilian personnel. Its first year budget is US\$18.6 million (15 million Euros), including start-up costs of \$ 9.1 million (7.3 million Euros.) All of the EU Member States, except Portugal, are participating.

EU Member States have met their goal for the commitment of police officers, and exceeded the goal for the number available for rapid deployment. Nevertheless, some analysts are skeptical that the reformed EU crisis management and rapid reaction capabilities will substantially improve the EU’s ability to respond. One factor — EU Member States’ willingness to surrender national sovereignty to EU foreign policy coordination — may prove the most problematic.⁶⁶

⁶⁴ *Ibid.*, p 21.

⁶⁵ Some 80% of the personnel who serve in the European Union Police Mission (EUPM) are from the 15 EU Member States: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain, Sweden, and the United Kingdom. The remaining 20% of personnel are from 18 non-EU countries: Bulgaria, Canada, Cyprus, Czech Republic, Estonia, Hungary, Iceland, Latvia, Lithuania, Norway, Poland, Romania, the Russian Federation, Slovakia, Slovenia, Switzerland, Turkey and the Ukraine. The United States and Malta were also invited to participate.

⁶⁶ See, for example: Caroline Earle, *EU Contributions to Peace Operations: Development of an European Rapid Reaction Force and Civilian Capacity*. Peace Operations Fact Sheet Series, The Henry L. Stimson Center, May 2002; and Alexandra Novosseloff, *The* (continued...)

Organization for Security and Cooperation in Europe (OSCE). The OSCE is also enhancing its operational capabilities, including a capability for rapid deployment of CivPols and other civilian experts.⁶⁷ As of February 25, 2004, the OSCE has some 160 CivPols conducting policing activities in eight countries: Albania, Azerbaijan, Croatia, Georgia, Kazakhstan, Kyrgyzstan, Macedonia (Skopje), and Serbia and Montenegro (including Kosovo).

At the Istanbul Summit in November 1999, the Heads of State and government of OSCE participating States created the Rapid Expert Assistance and Cooperation Teams (REACT) program. The purpose of the program is to enable the OSCE, when circumstances require, to identify, select and deploy experts in the areas of conflict prevention, crisis management, and post-conflict missions. Current policing activities emphasize training, reform, and development of local police, rather than basic monitoring functions. The REACT program has developed the capability for participating States to each establish its own database of qualified civilian experts, including CivPols, with knowledge and experience in the broad range of areas needed to promote security, from human rights, rule of law, civil and political affairs (including elections) to economic and environmental stabilization. Its objective is to deploy such personnel within two to eight weeks of posting positions for a specific mission.

Since the establishment of the REACT program in April 2001, the OSCE and its 55 participating States (which include non-European States, most notably the United States and Canada) have taken various steps to implement and improve the program.⁶⁸ This includes creating national websites to recruit personnel for the program or providing mechanisms to receive such applications via the OSCE website.⁶⁹ As with the U.N. lists, many OSCE participating States (for a variety of efficiency, legal, and privacy concerns) prefer not to nominate specific individuals to the OSCE availability list until specific field requirements are known. Nevertheless, some participating States have provided numerical commitments in specific fields of expertise. The OSCE developed a framework of standards covering both educational and experience requirements which identify the skills

⁶⁶ (...continued)

European Security and Defense Policy, Current Issues and Objectives. Future of Peace Operations Project Roundtable on European Capacities for Peace Operations. The Henry L. Stimson Center, November 25, 2002.

⁶⁷ Organization for Security and Co-operation in Europe, *Conflict Prevention Centre*, April 2003, On-line Source: [<http://www.osce.org>]; accessed September 15, 2003; Lindborg, Chris, *European Approaches to Civilian Crisis Management*, Basic Special Report on Roundtable Discussion, British American Security Information Council, March 2002.

⁶⁸ Information in this paragraph was provided by electronic correspondence from Barrie Meyers, Senior Advisor to the OSCE Director of Human Resources, November 21, 2003, and by telephone interview, February 25, 2004.

⁶⁹ Eight participating States have developed such websites; 31 receive applications via the OSCE website, and contact information for two others is available on the OSCE website. The United States, which is an OSCE participating State, maintains a website with links to the private companies through which U.S. citizens are contracted for secondment to OSCE missions. See: [<http://www.usosce.rpo.at/archive/misc/employment.htm>].

needed for its activities. Based on an assessment of past and current OSCE field activities, the OSCE developed a staffing matrix which is used to assist participating States in recruiting qualified candidates.⁷⁰

Through REACT, the OSCE recruits CivPols capable of performing advising, mentoring, reform and development functions. OSCE general minimum requirements for civilian police are similar, but not identical, to U.N. and U.S. requirements. They are (1) graduation from a recognized police training school, (2) active police experience, (3) ability to communicate in English, (4) negotiation and interpersonal skills, (5) mapping skills, and (5) first aid experience. Desired skills include liaison experience with non-law enforcement organizations (e.g., NGOs) and the ability to operate police radio equipment. The mission specific requirements for police officers focus on specific skills.⁷¹ OSCE also recruits law enforcement administrators, including senior and middle management, with eight to 20 years of experience in law enforcement and police management plus relevant field and subject expertise.

Options for Congress

In the 108th Congress, Members introduced three bills with the intent of strengthening U.S. and international capabilities to conduct CivPol missions and other rule of law missions. H.R. 1414 is intended to improve UNCIVPOL capabilities. H.R. 2616 addresses perceived problems with U.S. CivPol capabilities and would create capabilities within NATO to handle international post-conflict stabilization and reconstruction efforts. S. 2127 seeks to improve the United States' ability to provide civilian capabilities to respond to crises abroad. These proposals build upon prior U.N. and U.S. efforts to improve international capabilities. In addition to these proposals, analysts advance three related options to address perceived deficiencies in training, in capabilities for performing constabulary functions, and in creating viable law enforcement and rule of law institutions.

Legislative Proposals: Creating New and Upgrading Existing Capabilities

H.R. 1414: Reform of U.N. Civilian Police System. Representatives McGovern and Houghton introduced H.R. 1414, the International Rule of Law and Antiterrorism Act of 2003, on March 25, 2003. The bill proposes substantial reform, if not innovation, to make UNCIVPOL rapidly deployable and more effective, as well as a measure to address UNCIVPOL recruitment and training problems.

⁷⁰ In addition to civilian policing, required fields of expertise include human rights, rule of law, democratization, elections, economic and environmental affairs, press and public information, media development, political affairs, administration and support, general staff/monitoring functions, and military affairs.

⁷¹ These include, but are not limited to, police trainers, community police advisers, police reform advisers, police project managers, program experts, curriculum development officers, field training coordinators, accountability program managers, reporting/analysis officers, technical assistance assessment officers (in all fields of policing, including border policing), and heads of police department units, development units, and law enforcement.

The bill calls for the Administration to encourage negotiations within the United Nations for the establishment of a professional United Nations civilian police corps (UNCPC) and requests the U.N. Secretariat to prepare a report concerning the establishment of such a corps. The bill does not define “professional” nor does it mandate specific arrangements, in particular, whether the force would be a standing or an on-call force. It does set forth a sense of Congress statement that the corps should be (1) “available for rapid deployment” to peace operations within 15 days of a U.N. Security Council authorization of a peacekeeping operation, and that it should be (2) composed of an “appropriate number of law enforcement professionals recruited and employed by the United Nations who are appropriately trained and equipped for civilian policing functions” in U.N. peace operations. (Although these points seem to suggest either the formation of a standing force⁷² or a force of paid reservists that train together, some proponents state that the bill only intends for the structure to be negotiated with the United Nations.)⁷³ The bill also expresses a sense of Congress that the corps should be given “appropriate resources to do its job properly, including funding, equipment, training, logistical support, and staffing.” The staff would include corrections and judicial law enforcement professionals.

In addition to the establishment of a UNCPC, the bill would encourage improvements in the current system. It would direct the Secretary of State to work within the United Nations “to establish standards and training programs for international civilian police.”

Proponents of H.R. 1414 view the bill as a vehicle to address several problems regarding the use of UNCIVPOL personnel in police missions, most importantly the deployment gap and, to a lesser extent, the enforcement gap. Some proponents argue that such a measure should address other issues, such as creating a mechanism to ensure adequate and continued funding and specifying a size for the proposed UNCPC.

The bill’s findings state that the creation of a professional U.N. police corps would allow the United Nations to take responsibility more quickly and effectively for maintaining a secure environment. The findings argue that this would greatly reduce the number of combat soldiers needed to perform civilian police tasks in peacekeeping and other post-conflict situations, and allow for their earlier withdrawal. The findings also point to the corps as a mechanism to raise the

⁷² In the 107th Congress, Representatives McGovern and Houghton, as well as Representatives Lewis, Pelosi, Frank, and Millender-McDonald introduced H.R. 938, United Nations Rapid Deployment Act of 2001, on March 28, 2001 to increase U.N. response capability to impending crises. In response to the Brahimi Panel Report, the proposed legislation aimed to address the deployment gap posed by the current *ad hoc* U.N. arrangement for providing CivPol personnel to peace operations. The proposed legislation had 56 sponsors, but faced strong criticism over the requirement of standing U.N. civilian police corps, according to some analysts.

⁷³ Don Kraus, Executive Director of the Campaign for U.N. Reform, states that negotiators could choose a standing, reserve, or on-call model, “or some other model that none of us have thought of.” E-mail correspondence, July 23, 2003.

standards and skill levels of UNCIVPOL personnel and make them more accountable.

Opponents fear that the bill would result in the establishment of a standing corps, which they regard as too costly and too problematic. Many argue that Member States, including the United States, would be reluctant to establish a standing corps because it could increase assessed contributions in order to cover the cost of a standing UNCPC. If, on the other hand, Member States funded the force through voluntary contributions rather than mandatory assessments, many analysts fear that it would not be sustainable. Many analysts have also expressed concern over giving the United Nations responsibility for the administration of a permanent UNCPC, given its limited management capacity. In addition, some fear that a permanent police corps would permit the United Nations to infringe on national sovereignty, perhaps contrary to U.S. interests, although proponents of H.R. 1414 point out that the United States could veto any proposed use of such a corps.

H.R. 2616: Improving U.S. and NATO Capabilities. To enhance existing U.S. capabilities and create new international capabilities to provide reconstruction assistance in post-conflict situations, Representatives Farr, Wolf, Hoeffel, Leach, and Wexler introduced H.R. 2616, the Winning the Peace Act of 2003,⁷⁴ on June 26, 2003.⁷⁵ Among its provisions, the bill contains sense of Congress statements proposing two new mechanisms to provide security in post-conflict situations where reconstruction efforts are underway.

One of those proposed mechanisms, the establishment of a U.S. civilian police reserve, may constitute a substantial upgrading of the current *ad hoc* U.S. CivPol system. According to the proposal, this reserve of law enforcement officers would be capable of (1) serving overseas as an interim police force in post-conflict situations, and (2) of training and equipping indigenous civilian police forces in such situations. The bill also suggests a procedure by which the United States would establish the civilian police reserve. Through Section 8 of the bill, Congress would call upon the President to establish a task force comprised of federal, state, and local law enforcement officials to develop the reserve.

A second proposal calls for a new NATO mechanism to provide a broad range of military and policing services in post-conflict situations. It calls upon the Administration to propose to NATO that (1) selected NATO units be trained and equipped to provide security in reconstruction situations, and (2) NATO establish an “integrated security support component” to provide that training and equipment. If NATO were to accept the proposal, the bill authorizes the President to commit

⁷⁴ Senators Edwards, Reed, and Roberts introduced a Senate version of the bill, S. 1235, on June 11, 2003. S. 1235 does not include provisions on civilian policing.

⁷⁵ This legislation draws on the concepts elaborated and recommendations made in *Play to Win*, a joint report of the Center for Strategic and International Studies (CSIS) and the Association of the United States Army. These were developed by the bipartisan Commission on Post-Conflict Reconstruction, of which Rep. Farr was a member. See: *Play to Win: the Final Report of the Bipartisan Commission On Post-Conflict Reconstruction*, January 2003, accessible through the CSIS website [<http://www.csis.org>].

personnel to the support component; such personnel should be capable of providing for the security of civilians, “including serving as a police force.” The illustrative tasks that the bill specifies that the selected units be able to perform include one requiring constabulary skills, i.e., “the control of belligerent groups and crowds,” as well as those requiring policing, investigative, and intelligence skills, i.e., “apprehending targeted persons or groups, performing anti-corruption tasks, and supporting police investigations.” (For more information on constabulary forces and their functions, see the option on constabulary forces, below.)

Relative Merits of Possible U.S. Reserve Models. Proponents argue that the proposed legislation would provide U.S. support for increasing international capabilities to provide a security environment in which post-conflict reconstruction can occur. In particular, a civilian police reserve would help bridge the deployment gap, as the availability of a pool of on-call officers would expedite the deployment of U.S. civilian police. It is unclear, however, whether the intention of the legislation was to establish a civilian police reserve in line with government-contracted private sector model for which a contract is currently being processed by the State Department (in which case further legislation might be considered to expand that reserve) or to establish a new U.S. government reserve force, along the lines proposed under the “stability force” model discussed below.

Proponents of the private contractor model argue that it is preferable because commercial contractors can often respond more quickly and because use of the private sector avoids the creation of new government bureaucracies. Opponents of this model might find that limitations often cited regarding the use of commercial contractors in military operations may also apply to policing operations. For example, commercial contractors may not exhibit the same dedication to their job in situations where unexpected changes may occur, particularly in the level of risk and the conditions of the job. Some opponents of a government-sponsored reserve might concede that a federal agency could conceivably deploy a reserve CivPol force as efficiently and speedily as a private contractor, but only if civilian law enforcement personnel were maintained as paid reservists, such as under the U.S. military reserve system, at a cost some policymakers may consider prohibitive.

Proponents of the government-created model argue that a government reserve is a more potent symbol of U.S. commitment, more responsive to U.S. policy, and might well prove a more cohesive force than a privately-contracted force. In addition, proponents argue, its members would be more accountable. Further, some argue that a government agency could better guarantee the quality of recruits, as it would have greater incentives to establish more stringent screening mechanisms. In addition, it might be easier to draw qualified CivPol personnel from local and state police departments, as discussed in the U.S. CivPol section above, if a compensation system were established for departments that provided personnel to federal service; it might be easier to establish such a compensation under a federal reserve model than under a private contractor reserve model.

The desirability of pre-deployment training also could influence judgments regarding the relative merits of a government-sponsored vs. a government-contracted reserve force. If the police reservists regularly trained together as U.S. military reservists do, and established mechanisms for coordination with military forces, they

arguably could prove a more effective and reliable contingent than those assembled under the current *ad hoc* model. This might be easier under a government-created model than under a contractor model.

Questions Regarding a NATO Constabulary Capability. The NATO constabulary capability could help bridge the enforcement gap as it would provide through NATO the full range of skills needed in post-conflict situations, according to proponents. Some question, however, whether NATO, a military organization, is the wrong venue for any force with policing functions. Many analysts argue that the use of military forces for policing functions may, in the words of PDD-71, “over an extended period ... send inappropriate signals to civil authorities and the local population....”⁷⁶ Some critics also argue that the creation of such a reserve within NATO may duplicate current European Union structures and possibly add one more source of friction in U.S.-European relations.

Additional Considerations. Some analysts argue that the bill should contain additional provisions on equipment, training, and coordination with the military. For one, they argue that without a previous commitment of equipment by the United States, the deployment of U.S. and other police reservists may well be delayed while needed supplies are assembled. In addition, some argue that the creation of U.S. or international reserves, without the provision of standardized training, would only perpetuate the lack of conformity in policing styles that is viewed as undermining current operations. In addition, many of the problems of past operations might be repeated in the future if mechanisms weren’t established, and perhaps some joint training provided, with the U.S. and other military forces.

Other critics are skeptical of the need for such forces, or of the need for the commitment of U.S. police officers to them. Some critics argue that by creating police reserves, the bill may only draw upon existing police resources, which are already in short supply, and would contribute to tensions with local and state governments.⁷⁷

⁷⁶ PDD-71 *White Paper*, *op. cit.*, p 11. PDD-71 does, however, recognize a constabulary role for military forces. It states that “U.S. military forces shall maintain the capability to support constabulary functions abroad, and if necessary carry out constabulary functions under limited conditions for a limited period of time.” p 10.

⁷⁷ Recently, law enforcement officials have raised concerns over a possible drain on municipal and state police forces because of the large number of law enforcement officers serving in the Reserves and National Guard. With continuing guard and reserve call-ups for homeland defense and overseas military deployment levels, additional demands for law enforcement personnel may limit the supply. In addition, law enforcement agencies may face financial hardship by holding a position open (up to one year for most police missions) until an officer resumes active duty.

Sheriff Stephen Oelrich of Alachua County in Gainesville, Florida is one of several law enforcement officials who has personally participated in, and had his men volunteer for, the U.S. CivPol program. Despite his support for the program, he states that over-reliance on municipal law enforcement agencies will likely limit supply for the U.S. CivPol program, especially in the absence of financial incentives. PDD-71 states that state and municipal governments should be reimbursed for the costs related to “their participation” in the

(continued...)

S. 2127: Strengthening Civilian Rule of Law and Other Capabilities.

On February 25, 2004, Senators Lugar and Biden, introduced the Stabilization and Reconstruction Civilian Management Act of 2004 (S. 2127), which, according to the report accompanying the bill (S.Rept. 108-147), would reorganize government structures “to strengthen the capacity of civilian foreign affairs agencies to respond quickly and effectively to overseas crises, including post-conflict and other complex emergencies.” To that end, S. 2127 would provide \$80 million to hire up to 250 personnel and designate employees of the State Department and the U.S. Agency for International Development (USAID) to comprise a Response Readiness Corps, and to augment that corps by maintaining a “Response Readiness Reserve” roster. The roster would consist of federal employees and at least 500 non-government personnel. All Corps and Reserve personnel would be trained specifically for such missions. Within three years of enactment, the bill would require that 10% of State Department and USAID personnel be identified and trained for this force. Although this measure is interpreted as intended, at least in part, to address the institution gap created by delays in deploying rule of law personnel, neither the legislation nor Senator Lugar’s floor statement in introducing the bill specify the types of personnel who are to be recruited and the extent to which this cadre would include “stability” (i.e., police and other rule of law) experts versus reconstruction experts is not clear. See the section below on the development of a Stability Force for related opinions on such a capability.

Other Options to Strengthen Current Capabilities and Address System and Security Gaps

Improve the Training and Professionalization of CivPol Personnel.

Many experts assert that substantially increased and improved training, especially in basic functions, and professionalization of existing CivPol personnel might significantly assist in bridging the deployment gap. As the scope and mandate of police missions have increased, pre-deployment training has not kept pace with the needs, according to some analysts. Instead, in places like Bosnia, Kosovo, and East Timor, training adjustments were made in the field on a case-by-case basis. Recognizing the importance of adequate and appropriate training, PDD-71 proposed that the United States “maintain the capacity to provide tailored training packages to U.S. and international CivPol when requested by the organizing body or the contributing state and when appropriate U.S. funding or appropriate reimbursement is available.”⁷⁸

Some analysts continue to argue that increased police training would be desirable: one recent think tank report recommends a “robust” increase in funds for such training, as many nations find the cost of training prohibitive for large numbers

⁷⁷ (...continued)

provision of U.S. CivPol to field operations. (*PDD-71 White Paper, op.cit.*, p 4) Telephone interview, July 2003.

⁷⁸ *PDD-71 White Paper, op. cit.*, p 9. Despite recognizing the need for some foreign assistance, PDD-71 maintained that contributing nations should continue to bear responsibility for training the personnel they supplied to peace operations.

of personnel.⁷⁹ As discussed earlier, the State Department's new CivPol cadre bid solicitation proposal included a provision for U.S. training of foreign police personnel, although there has been no decision on a program or arrangements for such training. The content and scope of such a program may depend on the amount of funding available.

Increase International Capability for Constabulary Forces. Another option to address the deployment and enforcement gap, urged by many analysts, is the strengthening of existing international constabulary capabilities in the small number of nations that already have them and the creation of new capabilities in the nations that do not. (H.R. 2616, discussed above, proposes incorporating a unit capable of performing constabulary functions within NATO.) Constabulary police perform a variety of tasks that require less force than combat, but more force than routine law enforcement activities. As defined by PDD-71, constabulary tasks include the regulation of peoples' movements when necessary to ensure safety; interventions "to stop civil violence, such as vigilante lynchings or other violent public crimes" and to "stop and deter widespread or organized looting, vandalism, riots or other mob-type action;" and the dispersal of "unruly or violent public demonstrations and civil disturbances."⁸⁰

Less heavily armed than combat soldiers, constabulary forces are trained in both military and policing skills and use those combined skills to carry out their duties, making them essential for a variety of hostile situations that occur more frequently in post-conflict areas than in nations at peace. When deployed on peacekeeping missions, constabulary police often are equipped with their own communication and logistical support. Also, constabulary forces usually can deploy more rapidly than other CivPols because they typically are deployed as "formed units" (i.e., in groups that have previously worked together and will continue to do so) instead of as individuals.

Many analysts argue for the establishment of specialized paramilitary units, such as those available in other countries, citing them as the most appropriate forces to conduct constabulary tasks in peacekeeping operations.⁸¹ Presently, several countries already have national police forces or specialized paramilitary police units, that are trained as constabulary forces, such as the Italian *carabinieri*, the French *gendarmarie*, and the Spanish *Guardia Civil*, among others. As noted by several analysts (as well as PDD-71), these resources can be [and often are] severely strained by high deployment rates when deployed to numerous U.N. peacekeeping operations.⁸²

⁷⁹ For instance, see *Play to Win, op. cit.*. Recommendation #8 proposes that Congress fund "a robust increase in funding for police training."

⁸⁰ *PDD-71 White Paper, op. cit.*, pp 9-10

⁸¹ *PDD-71 White Paper, op. cit.*, p 10.

⁸² The *PDD-71 White Paper, ibid.*, warned that "suitable partners may not always be available, or a short lag time may occur before a civilian, paramilitary force becomes operational in a specific situation." Also see: Chuck Call and Michael Barnett, *Looking for* (continued...)

(Some also argue that the U.S. army should develop its own active duty constabulary force to augment the military police (MPs), who are usually called upon to perform constabulary functions in peacekeeping and related operations. As much of the U.S. army MP capability resides in the reserve, shortages occur when peacekeeping deployment rates are high. According to some reports, Army analysts and policymakers are considering this option. However, Army leaders have long resisted structuring the service to facilitate peacekeeping operations, arguing that a military force is weakened if it is structured to fulfill secondary missions, such as peacekeeping, rather than its primary warfighting mission.⁸³ With the subsequent U.S. interventions in Afghanistan and Iraq, however, many analysts have questioned whether military forces can be said to have won a war if they have not established the conditions for a durable peace, as do some military personnel who believe Army forces are most valuable if they are adaptable and capable of performing security tasks in high, medium, and low-intensity conflict environments.)

Proponents of such forces argue that, as an intermediary security force for peace operations capable of handling some violent situations which are beyond the capabilities of CivPol, constabulary forces can reduce reliance on combat soldiers to engage in policing activities, as well as shorten their withdrawal time from post-conflict situations, according to many analysts.⁸⁴ (Currently, regular military forces often perform constabulary functions in peacekeeping operations, despite their lack of training and resources.)

Despite these possible advantages, analysts are uncertain whether other countries would be willing to augment their constabulary capabilities, or whether countries that do not now possess such capabilities might want to develop them for deployment abroad. Drawing an analogy with U.S. localities that they perceive as stressed by the temporary deployment of police officers abroad, some analysts judge that, like the United States, other countries are increasingly concerned about meeting domestic needs.

Develop a “U.S. Force for Stability”. A final option to address the institution gap in peace operations is the development of rapidly deployable units of law enforcement and rule of law personnel to ensure “sustainable security.” Several analysts have urged the development of U.S. and international capabilities to rapidly deploy a full range of rule of law professionals in addition to police (i.e., judicial branch officials such as judges and prosecutors, and prison personnel, among

⁸² (...continued)

a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL, International Peacekeeping, vol. 6, no. 4 (Winter 1999), p 54.

⁸³ PDD-71 recognized this attitude as the dominant reality when it was promulgated, stating that its directive for the U.S. military to maintain a constabulary capability “in no way obligates the U.S. military to conduct these tasks in any particular operation or to develop specialized constabulary units dedicated to this mission.” *PDD-71 White Paper, op. cit.*, p 10.

⁸⁴ *Looking for a Few Good Cops: Peacekeeping, Peacebuilding and CIVPOL. op. cit.*, pp 53-54, and *Policing The New World Disorder: Peace Operations and Public Safety, op.cit.*, pp 519-520.

others).⁸⁵ The United States currently deploys personnel with experience in justice and corrections systems through Department of Justice contracts, funded by the State Department's INL CivPol program. The State Department's new CivPol cadre program, as discussed above, requests contractors to identify such personnel in an effort to create a capability within the CivPol to deploy them. To many analysts, however, the current system does not provide the full range of necessary personnel in a timely manner.

Robert S. Perito, currently a special advisor to the Rule of Law Program at the United States Institute for Peace (USIP) has been a primary proponent of such units. Most recently, in a book published by the United States Institute for Peace, Perito outlines a comprehensive proposal for integrating military and civilian personnel to form a "U.S. force for stability" that would constitute part of U.S. intervention forces.⁸⁶ In a less extensive work on the same subject, Perito and a co-author stated that this proposal constitutes "a new approach to post-conflict intervention" that would close security gaps and break the cycle of impunity caused by a law enforcement authority vacuum in the post-conflict period.⁸⁷ As proposed, the U.S. stability force would be comprised of four elements: (1) robust military forces, (2) civilian constabulary units, (3) civilian police, and (4) rule of law professionals (lawyers, judges, and corrections experts). Under the Perito model, these forces would deploy concurrently (and not sequentially as is now the practice) in order to provide the needed security from the outset, and to decisively bridge the deployment, enforcement, and institution gaps. Civilian personnel would be present in the field from the outset in order to take over law enforcement functions as soon as security conditions permit, or immediately following the end of the major combat phase.

As Perito outlines the functioning of this model,⁸⁸ the military role shifts at the end of major combat operations from combat to providing perimeter security. Concurrently, constabulary units take responsibility for internal security. The function of these units, comprised of both military and civilian personnel, is to suppress lawlessness and other forms of civil disorder. Next, civilian police augment the military and constabulary forces to maintain and restore public safety. Justice experts (judges, prosecutors, and court administrators) complete the force package by ensuring the restoration of the rule of law. Over time, the preponderance

⁸⁵ See, for example, *Play to Win*, *op. cit.* Recommendation #3 proposes that the U.S. government establish an agency to create and maintain on-call lists of post-conflict reconstruction experts, among them judicial specialists, police, and penal officers, and provide support for mobilizing these experts as needed. PDD-71 identified such an initiative as a high priority and instructed that "programs must be developed that enable the U.S. to respond quickly to help establish rudimentary judicial and penal capacity during peace operations and complex contingencies." *PDD-71, op. cit.*, p 6.

⁸⁶ Robert M. Perito, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force*. Washington, D.C.: United States Institute of Peace Press, 2004. See pp 323-337 for an extensive discussion of this proposal.

⁸⁷ Field, Kimberly C., and Robert M. Perito, "Creating a Force for Peace Operations: Ensuring Stability with Justice," *Parameters*, Winter 2002-03, p 78.

⁸⁸ Perito provided details on the working of the stability force model in an interview in September 2003.

of personnel shifts from military to civilian, and the military component cedes operational control over law enforcement functions to the civilian component. Perito states that his model is similar to the current organization of the NATO military and U.N. civilian security forces in Kosovo.

Two recent reports provide related recommendations. A November 2003 report of the National Defense University (NDU) also recommends the concurrent deployment of civilian “stabilization and reconstruction” personnel with combat forces, in order to expedite the transfer of nation-building responsibilities to civilians. The report recommends the creation of a standing interagency stabilization and reconstruction team within the government, and the development of an “on-call” civilian crisis management corps of medical, legal, language, and law enforcement personnel from state and local governments and the private sector.⁸⁹ A March 2004 report of the Center for Strategic and International Studies (CSIS) recommends the establishment of an Agency for Stability Operations reporting directly to the Secretary of State. The agency would be responsible for preparing for such operations, as well as the management and deployment of Civilian Stability Operations Corps of 200-300 U.S. government civilians, who are organized, trained and equipped for conducting such operations, and of a Civilian Stability Operations Reserve of an unspecified number of non-government civilians with related expertise who would be on-call for rapid deployment.⁹⁰

Proponents of a “stability force” model argue it has many advantages. Many analysts view the early deployment of rule of law personnel as essential to providing security from the outset of an operation, which they argue will enhance the possibilities for long-term stability and democracy in an intervened or post-conflict country. Many also view such a structure as permitting the earlier withdrawal of military personnel than would otherwise be possible.

Nevertheless, as proposed by Perito, such a force would require certain changes in current U.S. practices. For the military, it would require the development of significant constabulary capabilities, including an increased number of military police. And, for the international civilian police component, as proposed by Perito, constabulary and police personnel would be provided by a new federal agency, which would recruit active duty and retired officers as temporary federal employees, instead of being hired through contractors as is the current practice.

Because of these changes, the creation of such a force could prove controversial. Arguments related to such a restructuring of military forces are discussed above, in the section on constabulary forces. And, perspectives on the relative merits of a

⁸⁹ Hans Binnendijk and Stuart Johnson, eds. *Transformation for Stabilization and Reconstruction Operations*. Working Paper. Center for Technology and National Security Policy, National Defense University. November 12, 2003. See pp 105-108 and 121-122 for these recommendations.

⁹⁰ Clark A. Murdock, Michèle A. Flournoy, Christopher A. Williams, and Kurt M. Campbell, principal authors. *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era, Phase I Report*. Center for Strategic and International Studies. March 2004. See pp 64-65.

government-employment versus a government-contracted model for CivPol deployments are discussed in the section on H.R. 2616, above. This model, however, is not necessarily a reserve as proposed in H.R. 2616.

While the model might offer advantages in establishing security more rapidly in countries in crisis than recruiting on an *ad hoc* case-by-case basis through a civilian contractor, the ease of deployment will depend on the method used to recruit and hire personnel. (Perito favors federalizing at least the CivPol component of the stability force, rather than hiring CivPols through private contractors.) Personnel hired at the time a mission is conceived under a lengthy federal employment process might be less quickly deployable than those called up under a reserve system, or a stand-by on-call system, as envisioned under S. 2127, discussed above. The availability of personnel for rapid deployment may well depend on the arrangements under which they are recruited. If, as with the U.S. military reserve component, law enforcement and rule of law personnel are to commit to deploy immediately when called, they may require the type of benefits (i.e., pension, salaries for regular training) such as members of the U.S. military reserve component receive.

Appendix A: Policing in Selected U.N. Peacekeeping and Related Operations: 1989-2004

(Data Current as of February 2004)

Location	Aegis/Operation	Duration	Mandate/Scope of Activities	UNCIVPOL and Other Police Presence
Namibia	U.N. Transition Assistance Group (UNTAG)	April 1989 - March 1990	Monitor elections, ceasefire, and withdrawal and demobilization of military forces; monitoring and observing local police and extraction of national elements of South African police force from local police stations	1,500 maximum deployed.
Angola	U.N. Angola Verification Mission II (UNAVEM II)	May 1991 - Feb. 1995	Verify work of joint government-opposition monitoring teams charged with verifying and monitoring the neutrality of Angolan National Police; Verify integration of a new police force.	126 authorized for most part, but there were fluctuations; 89 deployed as of Oct. 1991, reduced to 18 by Dec. 1994.
	U.N. Angola Verification Mission III (UNAVEM III)	Feb. 1995 - June 1997	Verify and monitor the neutrality of the Angolan National Police, and quartering of the rapid reaction police.	260 authorized; 255 in field as of 1995, 288 as of June 30, 1997.
	U.N. Observer Mission in Angola (MONUA)	July - Oct. 1997		400
El Salvador	U.N. Operation in El Salvador (ONUSAL)	July 1991 - April 1995	Create new police force; monitor existing national police's actions while new force under creation.	631 authorized; 315 maximum deployed.
Cambodia	U.N. Transitional Authority in Cambodia (UNTAC)	Feb. 1992 - September 1993	Supervise and control Cambodian police force; monitor to ensure that law and order maintained effectively and impartially; assist with elections; assist with security for UNTAC.	3,500 authorized; 3,359 maximum deployed.

Location	Aegis/Operation	Duration	Mandate/Scope of Activities	UNCIVPOL and Other Police Presence
Croatia	U.N. Protection Force (UNPROFOR)	March 1992 (initial deployment of CivPol to Croatia) - March 1995	Monitor local police compliance with human rights standards and facilitate the return of refugees and displaced persons in Serb-controlled areas of Eastern Slavonia, Western Slavonia and the Krajina region.	900 initially deployed.
	U.N. Confidence Restoration Operation (UNCRO)	March 1995 - Jan. 1996	Established to replace UNPROFOR in Serb-controlled areas of Western Slavonia, the Krajina region and Eastern Slavonia.	530 initially authorized.
	U.N. Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES)	Jan. 1996 - Jan. 1998	Create new police force and develop a police training program in area as part of program to effectively integrate Eastern Slavonia, Baranja and Western Sirmium into Croatia.	
	U.N. Civilian Police Support Group (UNPSG)	Jan. 1998 - Oct. 1998	Took over from UNTAES to monitor police performance.	
Bosnia	U.N. Protection Force (UNPROFOR) extension of police presence into Bosnia-Herzegovina	June 1992- (deployment of CivPol to Bosnia) - Dec. 1995	Initial purpose was to monitor flow of relief supplies to preclude weapons smuggling; took on tasks of restricting abusive behavior by local police in certain areas and regulating influx of refugees and relief supplies.	40 initially deployed. Several increments followed.
	U.N. Mission in Bosnia and Herzegovina (UNMIBH)	Dec. 1995 - Dec. 2002	Monitor and observe law enforcement activities and inspect facilities; advise and train personnel.	1,721 authorized (known as the International Police Task Force, or IPTF.)
	European Union Police Mission (EUPM)	January 2003 - Present	Same	531 deployed as of April 2003.
Macedonia	U.N. Protection Force (UNPROFOR) extension into Macedonia	Dec. 1992 - March 1995	UNPROFOR mandate to monitor Macedonia's border areas and report on possible threats.	26 authorized.

Location	Aegis/Operation	Duration	Mandate/Scope of Activities	UNCIVPOL and Other Police Presence
	U.N. Preventive Deployment Force (UNPREDEP)	March 1995 - Feb. 1999	Same	26 authorized and deployed.
Mozambique	U.N. Operation in Mozambique (ONUMOZ)	Dec. 1992 - Dec. 1994	Monitor all police activities; verify strength and location of government police forces; verify consistency of police actions with peace agreement and with respect for human rights and civil liberties; monitor elections, monitor and verify reorganization and retraining of quick reaction police, including activities, weapons and equipment. Provide technical support to National Police Commission. Verify that activities of private security agencies are consistent with peace agreement.	1,115 authorized; 1,087 maximum deployed.
Somalia	United Task Force (UNITAF - A U.S.-led multilateral coalition)	Dec. 1992 - March 1993	Re-establish and train Somali police force	No #s available for either operation.
	U.N. Operation in Somalia II (UNOSOM II)	May 1993 - March 1995	Re-establish and train Somali police force	
Rwanda	U.N. Assistance Mission in Rwanda (UNAMIR)	1993 - 1996	Monitor, supervise, and train Rwandan police.	60 authorized initially, rising to 120 authorized in 1995.
Haiti	U.S.-led Multilateral Force (MNF) International Police Monitoring Force (IPMF)	Sept. 1994 - March 1995	Create, develop, and train a new Haitian National Police Force (HNP) Vet ex-soldiers to serve on the Haitian Interim Public Security Force. Supervise same.	820
	U.N. Mission in Haiti (UNMIH)	Deployed March 1995-June 1996	Create, develop, and train a new Haitian National Police Force (HNP) Assist with professionalizing the Haitian police and maintaining a secure and stable environment in which to continue the establishment and training of the HNP.	900 authorized; 847 maximum deployed.

Location	Aegis/Operation	Duration	Mandate/Scope of Activities	UNCIVPOL and Other Police Presence
	U.N. Support Mission in Haiti (UNSMIH)	July 1996 - June 1997	Support and contribute to the professionalization of the HNP, including training specialized units in crowd control, the rapid reaction force, and palace security.	300 authorized, 225 deployed as of June 1997.
	U.N. Transition Mission in Haiti (UNTMIH)	Aug. - Nov. 1997	Assist with professionalizing HNP, particularly at the supervisory level and training specialized police units. Also mentoring, guiding in daily tasks, and assisting coordination of UNDP technical advisers and bilateral donors.	250 authorized.
	U.N. Civilian Police Mission in Haiti (MIPONUH)	Dec. 1997 - March 2000	Promote respect for human rights; reinforce HNP and judiciary.	300 authorized, including a special police unit.
	International Civilian Support Mission in Haiti (MICAH)	March 2000 - Feb. 2001	Consolidate results achieved by previous missions and by MICIVIH. Further promote human rights, and reinforce the HNP and the judiciary.	100 unarmed, non-uniformed; not all police or police-related.
Sierra Leone	U.N. Observer Mission in Sierra Leone (UNOMSIL)	July 1998- Oct. 1999	Advise local police officials on police practice, training, equipment and recruitment; and advise on planning of reform and restructuring of the police force, and monitor progress on the latter.	55 authorized, 3 deployed initially; 107 later authorized but not deployed.
	U.N. Mission in Sierra Leone (UNAMSIL)	Oct. 1999- Present	Coordinate with and assist the Sierra Leone law enforcement authorities in the discharge of their responsibilities (as of Feb. 7, 2000).	170 authorized on 24 Sept. 2002; 52 deployed as of Feb. 28, 2002.
Kosovo	U.N. Mission in Kosovo (UNMIK)	June 1999 - Present	Provide interim law enforcement services while developing and transferring responsibilities to a professional and impartial Kosovo Police Service. After transfer, provide advisory services.	4,472 CivPol as of Oct. 2002; force of 3,024 expected to be maintained through 2004. Also 1,165 special unit police, and 283 border police.
	OSCE Mission in Kosovo	July 1999 - Present	Establish new Kosovo Police Academy and train recruits.	Not available.
East Timor	U.N. Transitional Administration in East Timor (UNTAET)	Oct. 1999 -	Provide security and maintain law and order	1,640 authorized

Location	Aegis/Operation	Duration	Mandate/Scope of Activities	UNCIVPOL and Other Police Presence
	U.N. Mission in Support of East Timor (UNMISET)	May 2002 May 2002 - Present	Provide interim law enforcement and public security, and assist with the development of the East Timor Police Service (ETPS)	1,250 initial strength authorized
Democratic Republic of the Congo	U.N. Organization Mission in the Democratic Republic of the Congo (MONUC)	Nov. 1999- Present	Mandate expanded over time from assessing the needs and capabilities of local police, and providing advice and assistance to local authorities, to training local trainers and overseeing training programs in certain areas.	134 authorized according to UN website; 119 deployed as of January 2003, according to MONUC website.
Liberia	U.N. Mission in Liberia (UNMIL)	Sept. 2003 - Present	Assist with national police training.	1,115 authorized; 41 deployed as of Nov. 30, 2003.

Sources: Peacekeeping Fact Sheets accessible through the U.N. Department of Peacekeeping Operations website [<http://www.un.org/Depts/dpko/dpko/home.shtml>]; fact sheet on the EU Police accessible at [<http://ue.eu.int/eupm>]; OMIK information accessible through the Organization for Security and Co-operation in Europe (OSCE) website [<http://www.osce.org>]; United Nations. *The Blue Helmets*, 3rd edition, New York, 1996; Erwin A. Schmidl, *Police in Peace Operations*, Informationen Zur Sicherheitspolitik, (Landesverteidigungsakademie/Militärwissenschaftliches Büro of Austria) No. 10, September 1998; Robert B. Oakley, Michael J. Dziedzic, and Eliot Goldberg, eds. *Policing the New World Disorder: Peace Operations and Public Security*. Washington, D.C.: National Defense University Press, 1998, and Robert M. Perito, *The American Experience with Police in Peace Operations*, Clementsport, Canada: The Canadian Peacekeeping Press, 2002.

Note: This chart excludes a number of U.N. civilian police missions whose numbers were under 100 authorized or deployed.

Appendix B: Historical Background

Early International and Cold War U.N. Police Operations

The dispatch of groups of bilateral and multilateral international policemen to advise and train local police forces predated the First World War. European nations sent police units in the late 1800s to provinces of the disintegrating Ottoman Empire and to Albania in 1913-1914 to create a new police force. Early police monitors were deployed to guard the Suez Canal in 1882, and under the League of Nations to the Saarland in 1935.⁹¹

The first use of U.N. civilian police in a peacekeeping operation took place in 1960 with the U.N. Operation in the Congo, when first a Ghanaian contingent was deployed for a few months, and next a Nigerian contingent which remained for about a year after the U.N. operation ended in 1964. They were tasked with assisting the Congolese police in maintaining order. Subsequently, in 1962-63, the United Nations provided a U.N. Temporary Executive Authority (UNTEA) to administer West New Guinea during the transition from Dutch to Indonesian rule and recruited Philippine police officers to assist the local force. The U.N. Peacekeeping Force in Cyprus (UNFICYP), beginning in 1964 and continuing to the present day, was the first operation where the term UNCIVPOL was used, and the first multilateral U.N. police force. UNFICYP CivPols assisted Cypriot police in maintaining order and providing security in sensitive areas in hopes of diffusing tensions.

Post-Cold War Evolution of International Police Assistance

Predominance of Monitoring Mandates, Cambodia, et al.: 1989-Early 1992 and Recognition of Deployment and Institution Gaps. The earliest post-cold war operations with mandates limited to or focused primarily on monitoring the performance of local police officers commenced in 1989 through 1992. Two of the earliest post-cold war operations, in Namibia (1989-1990), and the Western Sahara, (starting in 1991 and continuing intermittently, with the latest UNCIVPOL presence there recorded in November 2003) took place in areas where there were well-trained police forces, as did the U.N. operations of the Cold War period.⁹² The United Nations Transition Assistance Group (UNTAG) in Namibia was established to monitor the electoral process leading up to South West Africa's independence. Unarmed CivPol monitors were to assist with this mission. In the field, the UNCIVPOL mission increased to patrolling separate from the local police

⁹¹ Information in this paragraph is drawn from Erwin A. Schmidl. *Police in Peace Operations*. Vienna, Austria: Informationen zur Sicherheitspolitik, 1998; Roxane D. V. Sismanidis. *Police Functions in Peace Operations: Report for a workshop organized by the United States Institute of Peace*, March 1997 (which drew on Schmidl's work); and Robert M. Perito. *The American Experience with Police in Peace Operations*. Clementsport, Canada: The Canadian Peacekeeping Press, 2002.

⁹² *Police in Peace Operations*, *op. cit.*, p 39.

and investigating complaints about them.⁹³ According to one analyst, UNTAG became a model for future missions in the early 1990s, setting the three main tasks for the early monitoring missions: “accompanying local police in performing their duties; receiving and investigating public complaints about the police; and supervising investigations conducted by local police.”⁹⁴ UNTAG was followed in 1991 by the U.N. Mission for the Referendum in Southwest Sahara (MINURSO) where the United Nations established a temporary administration to carry out a referendum to decide on the future status of the former Spanish colony — a referendum that is yet to be held because of continued opposition by Morocco.

Two other operations with strictly monitoring mandates — Angola (UNAVEM II and III, 1991-1995) and Cambodia (1992-1994) — occurred in more difficult situations with less established institutions and in the wake of tenuous peace accords. Despite the limited mandates, actors in the field occasionally decided additional functions were necessary. Police monitors were also deployed in another tenuous situation through the U.N. Protection Force peacekeeping operation (1992-1995) to the new states created by the break-up of Yugoslavia, with CivPols deployed in 1992, first to Croatia, then to Bosnia-Herzegovina, and last to Macedonia for a variety of monitoring functions. Their missions were largely overwhelmed by the escalation of armed conflict which many analysts attribute to an inadequate mandate and insufficient number of UNPROFOR military forces.

The U.N. Transition Administration in Cambodia (UNTAC) was one of the last and certainly the largest and most ambitious U.N. peacekeeping operation in which police served a strictly monitoring mandate. A broad operation in other respects, UNTAC did little to increase the scope of police operations and powers in the mandate. As a result, the UNTAC police mission underwent a significant shift of responsibilities in the field. As rethought, the focus of the UNTAC police unit was to investigate complaints of violations of political liberties and human rights. When Cambodian police failed to apprehend those cited as suspects of such violations by UNCIVPOLs, the U.N. Secretary-General’s representative began in January 1993 bestowing arrest powers on CivPols, by directive and for the first time in a U.N. operation, and mandating the establishment of an UNTAC jail. Both actions, however, came too late to make the operation effective according to some analysts.⁹⁵

Cambodia was one of the first places where the slowness of deployment, which took some 10 months to get to the field in full strength due to problems of raising a large force, was noted as a hindrance to the effective performance of the entire operation.⁹⁶ It was also quickly recognized that although UNTAC had been assigned the task of ensuring law and order, the numbers of authorized police were inadequate for such a task. As a result of this deployment gap, the UNTAC police mission

⁹³ *Police in Peace Operations, op. cit.*, pp 33, 35.

⁹⁴ *From Congo to Kosovo, op. cit.*, p 17.

⁹⁵ Janet E. Heininger. *Peacekeeping in Transition: The United Nations in Cambodia*. New York: The Twentieth Century Fund Press, 1994. p 81.

⁹⁶ *Peacekeeping in Transition. op. cit.*, p 79.

initially underwent another adjustment, cutting the scope of its efforts from ensuring law and order to monitoring elections.

While not an explicit part of the UNTAC mandate, the operation contemplated a limited amount of training for Cambodian police, and UNTAC police quickly recognized the need for training not only the police, but also the judiciary. According to one analyst, “once in the field, they could clearly see the value of [such] training....” As few resources were available, according to the same source, “Some civil police undertook makeshift training using their own training manuals...”⁹⁷ Analyses of the UNTAC operation, among others, led to the concept of the development of an “institution gap” as UNTAC police were perceived as unable to promote justice due to the lack of an adequate and independent judicial system, which had been “systematically removed by the [previous] Pol Pot regime,” to punish those that UNTAC police apprehended.⁹⁸ As a result, analysts developed the idea of deploying integrated “justice packages” of justice and penal officials, as well as police officers.

Police Reform and Training Components Added: 1992-1994, and Recognition of Enforcement Gap. Reform of police forces became a “pivotal” element for the first time in the U.N. Observer Mission in El Salvador (ONUSAL). According to one analyst, ONUSAL “constituted the most radical attempt to date to put internal security forces under civilian control” with the international community supplying “unprecedented levels of technical assistance, training, on-the-job supervision, and material assistance to the new police force.”⁹⁹ The reform role for international police forces was established through January 1992 peace accords, negotiated with the mediation of the United Nations from April 1990, which put an end to El Salvador’s decade long civil war. The accords were detailed on security affairs, calling for the dismantling of the military-controlled security forces and the creation of a new National Civilian Police force (Policía Nacional Civil, or PNC), and had a general reference to the reform of the judicial system.¹⁰⁰

ONUSAL, which had started operations in July 1991 with the dispatch of human rights monitors even before a cease-fire was declared, provided UNCIVPOLs beginning in March 1992. Their mandate included the broad and vague direction to cooperate “in ensuring a smooth transition and assisting police authorities,” and also the function of “accompanying officers and members of the [existing] National

⁹⁷ *Peacekeeping in Transition, op. cit.*, p 82.

⁹⁸ Trevor Findlay. *Cambodia: The Legacy and Lessons of UNTAC*. SIPRI Research Report No 9. New York, Oxford University Press, 1995, p 67.

⁹⁹ William Stanley. *International Tutelage and Domestic Political Will: Building a New Civilian Police Force in El Salvador*, in Otwin Marenin, ed. *Policing Change, Changing Police: International Perspectives*. New York: Garland Publishing, Inc., 1996, pp 40-41.

¹⁰⁰ George R. Vickers, *Renegotiating Internal Security: The Lessons of Central America*, in Cynthia J. Arnson, ed. *Comparative Peace Process in Latin America*. Stanford: Stanford University Press, 1999. pp 395-396.

Police in the performance of their duties.”¹⁰¹ These functions occurred during a two-year transition period while a new police academy was created and the recruits for the CNP force were trained. Although the emphasis of the ONUSAL police operation was on verification and field work,¹⁰² ONUSAL also was responsible for overseeing the formation of the new police academy and police force. The U.N. Development Program (UNDP) took over the management role, soliciting and coordinating international contributions from Spain, Norway, and Sweden, with the United States and Chile providing assistance under bilateral agreements.¹⁰³

The establishment of the new police force, which was seen as a crucial element in the country’s reconciliation and democratization processes, was considered a success by many analysts, even though the overall police operation encountered significant problems. One analyst pointed to the success as “sufficient to convince contributing governments that civilian police deployment in a peacekeeping operation had come to stay,” despite her judgment that the success was “overshadowed by high crime rates and the continued meddling of the El Salvadorian [sic] military.”¹⁰⁴

While the Salvadoran experience may have been the first charged with creating a new police force, subsequent missions in the next few years had at least an implicit, if not an explicit, training and/or reform mandates. The first of these was the Mozambique civilian police operation authorized in February 1994 (although the U.N. Operation in Mozambique, ONUMOZ actually began in December 1992). ONUMOZ’s civilian police mission was heavily monitoring, but a small training assistance component came under the mandate’s provision to provide technical support to the Mozambican police. According to one analyst, ONUMOZ was “a precursor to later training and police reform missions, in that CivPol were to ‘monitor and verify the process of reorganization and retraining of the Quick Reaction Police.’ It is important to note, however, that ONUMOZ was not itself conducting the training.”¹⁰⁵ An important part of international Mozambique police support came towards the end of and after the formal UN operations, with follow-up police reform programs conducted for several years, primarily through bilateral training, particularly by the Spanish *Guardia Civil*.¹⁰⁶ Training was an explicit part of the mandate of the U.N. Assistance Mission in Rwanda (UNAMIR, 1993-1996).

In two other countries — Somalia and Haiti — international forces made concerted training and reform efforts. Both of these efforts were initiated as U.S.

¹⁰¹ *Policing the New World Disorder, op. cit.*, p 109.

¹⁰² *Policing the New World Disorder, op. cit.*, p 111.

¹⁰³ *Policing the New World Disorder, op. cit.*, p 125.

¹⁰⁴ *From Congo to Kosovo. op. cit.*, p 21.

¹⁰⁵ *From Congo to Kosovo, op. cit.*, p 17. The quote contained within this quote is cited as from United Nations. UNDPKO/Civilian Police Unit, *Briefing on Civilian Police Unit and UNCivPol in UN Missions*. New York: Civilian Police Unit, DPKO, 17 September 1997, p. 20.

¹⁰⁶ *Ibid.*

operations. The U.S.-led United Task Force (UNITAF, December 1992-March 1993), multilateral coalition began efforts to provide humanitarian assistance and to help restore order in Somalia, where competing factions had fought to assert power after the collapse of the lengthy dictatorship of Siad Barre. In the context of a large military operation, UNITAF began the task of establishing an interim Auxiliary Security Force (ASF), despite the lack of a specific mandate under the authorizing Security Council resolution (UN SCR 794), although it had originally intended to leave the reorganization of Somali police forces to the U.N. force which was to follow.¹⁰⁷ The ASF was intended to “enforce locally agreed upon laws and be controlled by the community: in essence, [to be] a community police force,”¹⁰⁸ and eventually was present in 17 cities and towns.¹⁰⁹ As perceived by one of its organizers, the ASF “would eliminate the need for UNITAF troops to serve as police, not only freeing them for other duties but avoiding confusion about their role and reducing friction with the local population, thus minimizing casualties on both sides. A police force would also enable Somalis to deal with ordinary criminal activity (as distinct from organized looting and robbery) and give them some responsibility for their own affairs. Finally, it would create jobs and provide income to several thousand otherwise unemployed Somalis.”¹¹⁰ UNITAF encouraged the Somali police who, according to at least one analyst, were respected by the Somali population “to act on their own while the allied military forces were available as back-up near the police stations.”¹¹¹ Substantial assistance was provided for the ASF by UNITAF, the United Nations, and individual nations through bilateral assistance. According to one analyst:

The U.N. Development Program (UNDP) paid salaries and operating expenses, provided equipment and office furnishings, and refurbished police stations. Italian, Dutch and German police experts arrived under UNDP auspices to work with the new force.... The Italians provided uniforms, nightsticks and whistles. UNITAF provided surplus vehicles and radios brought from Saudi Arabia after Operation *Desert Storm*. UNITAF military forces, particularly contingents from Morocco, Botswana and the United Arab Emirates, provided training, weapons, and conducted joint patrols in their sectors. The World Food Program provided food rations for ASF members and their families.¹¹²

¹⁰⁷ Robert M. Perito. *The American Experience with Police in Peace Operations*. Clementsport, Canada: The Canadian Peacekeeping Press, 2002, p 28.

¹⁰⁸ *Policing the New World Disorder, op. cit.*, p 189.

¹⁰⁹ *Policing the New World Disorder, op. cit.*, p 194.

¹¹⁰ John L. Hirsch and Robert B. Oakley. *Somalia and Operation Restore Hope: Reflections on Peacemaking and Peacekeeping*, Washington, D.C.: United States Institute of Peace, 1995. p 88. [Hereafter referred to as *Somalia and Operation Restore Hope*.] Robert Oakley had served in Somalia as U.S. Ambassador from 1982-1984, and was sent by President George H.W. Bush as his special envoy to Somalia during the UNITAF period to oversee and coordinate U.S. civilian activities there.

¹¹¹ *Police in Peace Operations, op. cit.*, p 51.

¹¹² *The American Experience with Police in Peace Operations. op. cit.*, p 29.

A smaller U.N. military force, the U.N. Operation in Somalia II (UNOSOM II), took over from UNITAF in May 1993,¹¹³ by which time the 5,000 ASF members were operating in the capital of Mogadishu and 17 other cities and towns¹¹⁴ and the ASF was considered a credible and popular police force. In December 1993, the U.N. announced that UNOSOM II would re-establish a 10,000 member Somali police force by the end of 1994,¹¹⁵ even as the militant Somali faction led by General Mohamed Farah Aidid increasingly challenged U.N. forces. Despite ambitious plans for reconstructing not only the Somali police, but also the courts and prisons, the U.N. efforts foundered due to inadequate staffing and funding. It took nearly a full year after UNITAF departed for the first of the 54 members of the UNCIVPOL to arrive and another two months for the unit to reach full strength. Even after they arrived, there were enough training and cultural differences among them to impede the development and delivery of a coherent program.¹¹⁶ In the interim, UNOSOM II military forces worked with the U.S. Justice Department's International Criminal Investigative Training Assistance Program (ICITAP) to develop basic police courses and, in March 1994, ICIPTAP sent its own trainers to conduct courses for Somali police officers.

The programs collapsed, however, amid the escalating violence and insecurity, which was largely attributed to an insufficient U.N. military presence. ICITAP withdrew in June 1994, and the UNCIVPOLs left in March 1995 with the forced U.N. withdrawal. While the UNITAF ASF is judged as achieving some success in providing police forces that offered protection to citizens and enjoyed a legitimacy that it conferred by extension upon UNITAF, its success was attributed by some analysts to the commitment of UNITAF to back it up when it faced a level of violence that it could not control.

Nevertheless, by the end of the 1990s, the need for the development and reform of existing police institutions was widely recognized. The August 2000 Brahimi Panel Report recommended a "doctrinal shift" in the use of civilian personnel in peace operations.¹¹⁷ According to the panel, the primary role and function of CivPol personnel should be to build local police services capacity.

Enforcement and Institutional Gaps in Somalia and Haiti. UNOSOM II's lack of a commitment to back up UNCIVPOLs, like that which the UNITAF had made to the ASF, contributed to the development of the concept of a law "enforcement gap." Analysts perceived in Somalia, as previously in Cambodia and as in several future operations, that the presence of an adequate police force to maintain law and order in normal circumstances may not be sufficient to control the

¹¹³ *Somalia and Operation Restore Hope, op. cit.*, pp 49-50.

¹¹⁴ *The American Experience with Police in Peace Operations, op. cit.*, p 30.

¹¹⁵ *Policing the New World Disorder, op. cit.*, p 206.

¹¹⁶ *The American Experience with Police in Peace Operations, op. cit.*, p 33.

¹¹⁷ United Nations, General Assembly Security Council, *Comprehensive review of the whole question of peacekeeping operations in all their aspects*, identical letters dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council, Fifty-fifth session, A/55/305-S/2000/809, August 21, 2000, p 20.

sporadic outbreaks of violence or more organized violent challenges in post-conflict situations, often due to the lack of a widely-accepted peace accord. As a result, the use of military force may be needed to maintain law and order, often in a primary role when violence is high, other times as a supplement to police forces when the level is lower.

The Somalia operation also demonstrated several other problems, in the judgment of many analysts. These were that (1) an international civilian police force cannot function where there is no effective cease-fire, (2) UNCIVPOL missions, because of the sheer diversity of their experiences, are not, as currently constituted, particularly well-suited for training local police, and (3) an “institutional” gap (i.e., the lack of adequate courts and prison system) and lack of a political settlement will undermine even successful police reform efforts in the long run.¹¹⁸

Similar gaps were highlighted in Haiti, where six years of intensive U.S. and U.N. police reform efforts demonstrated dramatically, in the opinion of some analysts, the problems created by the institutional gap. Reform efforts in Haiti began under the U.S.-led Multilateral Force (MFN, Sept 1994- March 1995). The MFN’s police component, the International Police Monitoring Force (IPM), with about 820 monitors from 20 countries, was formed to create, develop, and train a new Haitian national police force (HNP). (As a complementary step, the IPM vetted former members of Haiti’s armed forces in order to select those fit to serve on an interim public security force which the IPM also supervised.) IPM members were allowed to carry arms, to use force when necessary, and to make arrests, as were members of the UNCIVPOL which followed.¹¹⁹ The UNCIVPOL under the subsequent U.N. Mission in Haiti (UNMIH, which actually deployed in force from March 1995 through June 1996) took over the monitoring and training functions. Three subsequent U.N. follow-on missions were sent to Haiti over the next five years (through March 2000) to continue work professionalizing the Haitian police.

Analysts note careful coordination between the military and the MNF and UNMIH civilian police to establish and maintain public security while the HNP was trained and deployed.¹²⁰ For instance, when the IPMs were slow to deploy in sufficient strength and with a sufficient degree of organization to deter violence, the United States adjusted MFN rules of engagement to permit the military forces to detain and, as necessary, shoot those committing serious crimes and commenced aggressive patrolling. The interim public security force was rapidly forced to further fill the deployment gap before the planned deployment of the HNP between June 1995 and February 1996. MNF military police conducted separate patrols and joint patrols with the IPMs and the IPSF. The MNF military police also provided training with the IPMs at Haitian police stations on basic matters such as patrolling, performing desk operations, and the appropriate use of force.

¹¹⁸ *The American Experience with Police in Peace Operations, op. cit.*, pp 36-37.

¹¹⁹ *Policing the New World Disorder, op. cit.*, p 220.

¹²⁰ *Policing the New World Disorder, op. cit.*, p 221. Further information in this paragraph is from subsequent pages in the same source.

Unlike Somalia, in Haiti there was a smooth transition between the U.S.-led MNF and the succeeding U.N. operation, and the military forces of UNMIH also served to bridge the law enforcement gap.¹²¹ UNMIH, like the MNF, provided rapid back-up to the UNCIVPOL, as well as MPs to police stations for liaison and technical assistance. UNMIH also contributed to the restoration of stability by continuing military patrols to deter crime and political violence. As the HNP deployed, the UNCIVPOLs moved from a law enforcement role to a mentoring, monitoring, and on-the-job training role. UNMIH military forces also monitored HNP performance. Despite the ability of planners in the Haitian operations to compensate for the deployment and enforcement gaps, the institutional gap — the overcrowded prisons and the inept if not corrupt judicial system — proved a severe impediment to the establishment of public security.¹²²

Covering the “Enforcement Gap” in Bosnia: the creation of Special Constabulary Units in Bosnia, 1995-1999. By mandate, the United Nations had full responsibility for international police assistance in Bosnia from 1995-2002. Under its mandate, that assistance was largely limited to monitoring, which was emphasized in the first year of the operation, and training, which later took on greater importance. The United Nations was assigned this role by the December 1995 Dayton Accords, under which the three competing populations in Bosnia agreed to a joint government overseen by a complex international mechanism, in order to put an end to their conflict. It carried out the role through the International Police Task Force (IPTF), a component of the U.N. Mission to Bosnia and Hercegovina (UNMIBH). The U.N. responsibility encompassed seven distinct functions: (1) to monitor, observe and inspect law enforcement (LE) activities and facilities, “including associated judicial organizations, structures and proceedings;” (2) to advise LE personnel and forces; (3) to train LE personnel; (4) to facilitate the parties’ LE activities within the purview of the IPTF mission; (5) to assess threats to public order and to offer advice concerning LE agencies’ abilities to deal with those threats; (6) to advise the Bosnian government authorities on how to organize effective civilian LE agencies; and (7) to accompany Bosnian LE personnel in the performance of their duties as the IPTF deemed appropriate.¹²³ In January 2003, the European Union took responsibility for monitoring and training police in Bosnia, as well as contributing to the development of police institutional structure, through the EU Police Mission (i.e., the EUPM).

In practice, the 1,721 authorized unarmed IPTF CivPols, who lacked any enforcement powers, quickly proved inadequate to the task of ensuring public order among the three still openly hostile groups. (IPTF began deploying in January 1996 and reached full strength some eight months later, in August.¹²⁴) This deficiency had

¹²¹ *Policing the New World Disorder, op. cit.* Information in this paragraph is taken from pp 224-252.

¹²² *Policing the New World Disorder. op. cit.*, p 237.

¹²³ This list of functions is taken from *The American Experience with Police in Peace Operations, op. cit.*, p 51.

¹²⁴ Andy Bair and Michael J. Dziedzic, *The International Police Task Force*, in Larry (continued...)

been feared during the Dayton negotiations by those, including principal U.S. negotiator Richard Holbrooke, who had argued not only for a stronger mandate for the international CivPol, but also for a policing function for the NATO peacekeeping Implementation Force (IFOR).¹²⁵

Several analysts point to the early 1996 transfer of control of certain areas of Sarajevo, with the relocation of many residents in early 1996 when only a few hundred IPTF personnel had been deployed, as an early test for both the IPTF and IFOR. IFOR provided much needed assistance to the still-organizing IPTF, with civil affairs police specialists helping to plan the operation (as well as providing other assistance in organizing the force),¹²⁶ and thus, to compensate in part for the slow deployment of IPTF personnel. In some analysts' judgment, the death of only one person during the weeks of relocation was a "remarkable accomplishment,"¹²⁷ but the gutting, burning, and booby-trapping of many dwellings in the process pointed to an "enforcement gap" given that IPTF had "neither the authority nor the resources to act" and IFOR refused to act in a law enforcement capacity in the absence of an imminent threat to life. In the opinion of one analyst, the result, a flight of Bosnian Serbs from Sarajevo suburbs, led to the perception of yet another U.N. failure in Bosnia, and a loss of credibility for understaffed and under-resourced IPTF, which lacked law enforcement powers. "Arguably," she writes, "it took the IPTF almost a year to recover from its inability to live up to exaggerated expectations and made it more difficult to gain popular confidence."¹²⁸ In late 1996, the smaller NATO Stabilization Force (SFOR) replaced IFOR; operating under the same provisions of the Dayton Peace Accord as IFOR, it provided backup when the IPTF did not possess adequate force to maintain public order.

The "enforcement gap" in Bosnia was also covered in another way: the development of "specialized units" within the IPTF, a term that meant paramilitary forces (i.e., police forces specially trained in certain military skills necessary to handle exceptional law enforcement situations, especially hostile groups). Paramilitary and paramilitary-like police units from foreign nation, principally the *Gendarmarie* from France, the *Carabinieri* from Italy, and the *Guardia Civil* from Spain, had taken part in other policing operations. In the early 1990s, they were integrated into international CivPols and not assigned special functions. By the late 1990s, however, the utility of such police to fill "a perceived gap between military capabilities and the abilities of unarmed police monitors" was recognized. The first place that the gap was filled with such a unit was in Bosnia in 1998, when the Multinational Specialized Unit (MSU) was formed. The MSU was assigned the tasks

¹²⁴ (...continued)

Wentz, ed., *Lessons From Bosnia, The IFOR Experience*. Washington, D.C.: National Defense University, 1997, p 143.

¹²⁵ International Crisis Group. *Policing the Police in Bosnia: A Further Reform Agenda*, ICG Balkans Report No. 130. May 10, 2002, pp 4-5.

¹²⁶ Michael J. Dziedzic and Andrew Bair. *Bosnia and the International Police Task Force*, in *Policing the New World Disorder*, *op. cit.*, p 302.

¹²⁷ *The International Police Task Force*, *op. cit.*, p 151.

¹²⁸ *From Congo to Kosovo*, *op. cit.*, p 86.

of protecting elected officials and those who returned to their former homes in hostile areas, and could be called upon to back up the IPTF in preserving public order.¹²⁹ The Bosnia experience was successful enough to warrant the formation of such units in Kosovo and East Timor.¹³⁰

Mandates Granting Executive Authority: Kosovo and East Timor, 1999. The final expansion of the mandates and powers of international civilian police occurred in two peacekeeping operations that began in 1999: the U.N. Mission in Kosovo (UNMIK) and the U.N. Transitional Administration in East Timor (UNTAET). In both operations, the UNCIVPOLs were given mandates that included “executive authority” powers (i.e., the authority to carry arms and make arrests). In both cases, the decision to provide international police forces with executive authority reflected the absence of any legitimate, effective local authority.

After the end of the coalition air war against Serbia, NATO and the United Nations took responsibility for stabilizing Kosovo and providing continuing security there. Beginning in June 1999, and continuing to the present day, NATO has provided a military presence through the Kosovo Force (KFOR) and the United Nations has taken responsibility for all civil administration functions, including policing, through UNMIK. In addition, the OSCE was given responsibility, under the UNMIK structure, for overseeing and training the Kosovo Police Service (KPS), comprised of a growing number of local police officers.

In East Timor, the U.N. Transitional Administration (UNTAET) provided a complete civil administration from October 1999 through May 2002 for East Timor as it made a transition from its former status as a province of Indonesia to self-government as an independent state.¹³¹ With Indonesia’s decision to leave the province after protracted civil conflict, and its withdrawal of all Indonesian security forces, a complete security vacuum would have existed without a mandate for U.N. forces, in conjunction with the Australian-led military peacekeeping force (the International Force in East Timor or INTERFET), to exercise executive authority.

Despite these cases, a mandate for the exercise of executive authority is judged by many analysts as highly problematic and unlikely to be a wise choice in many other future situations. Although some analysts and practitioners argue that “executive authority is inevitable when there is no local police force to monitor or train,”¹³² the number of available international civilian police personnel capable of responsibly and effectively exercising such authority is limited, and forces of such police will be even more difficult to recruit and deploy in a timely manner than forces with more limited mandates. In cases where local police forces exist, but may be

¹²⁹ *From Congo to Kosovo, op. cit.*, p 71.

¹³⁰ *Ibid.*

¹³¹ The United Nations, which since 1960 had listed East Timor as a non-self governing territory administered by Portugal, had never recognized Indonesia’s 1976 military integration of East Timor as its 27th province after civil war had broken out in East Timor over the issue of its future status.

¹³² *From Congo to Kosovo, op. cit.*, p 28.

considered as unsuited to perform their duties without considerable, and time-consuming vetting, practitioners and policymakers will make case by case decisions regarding the desirability of executive policing. For many, sovereignty considerations will be an additional important factor to weigh.